

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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|---|---|----------------------------|
| GLENN MIZUKAMI, |) | CIVIL NO. 12-00103 LEK-BMK |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| DONNA EDWARDS; THOMAS D. |) | |
| COLLINS III; The STATE OF |) | |
| HAWAII and Gov. NEAL |) | |
| ABERCROMBIE, Hon. BERT I. |) | |
| AYABE judge of Circuit Court |) | |
| of First Circuit, Hon. DANIEL |) | |
| R. FOLEY judge Intermediate |) | |
| Court of Appeals, DOES 1-10, |) | |
| |) | |
| Defendants. |) | |
| <hr style="width: 30%; margin-left: 0;"/> |) | |

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On February 21, 2012, pro se Plaintiff Glenn K. Mizukami ("Plaintiff") filed a Verified Complaint ("Complaint"), an Application to Proceed In Forma Pauperis and Affidavit ("Application"), and a Petition for Injunctive Relief and Declaratory Judgment ("Petition"). The Court dismissed the Complaint with prejudice and denied the Application and Petition as moot in a February 29, 2012 Order ("2/29/12 Order"). Judgment was entered the same day. On March 9, 2012, Plaintiff filed a Motion to Amend Judgment ("Motion to Amend"), asking the Court to amend the 2/29/12 Order and judgment of dismissal, and to accept his proposed First Amended Complaint. The Court denied the Motion to Amend in a March 21, 2012 Order ("3/21/12 Order"). On

March 29, 2012, Plaintiff filed a Motion to Reconsider 3/21/12 Order Denying Plaintiff's 3/9/12 Motion to Amend Judgment ("Motion"). The Court finds this matter suitable for disposition without a hearing pursuant to Rule LR7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawai'i ("Local Rules"). After careful consideration of the Motion and the relevant legal authority, this Court HEREBY DENIES the Motion.

This district court recognizes three grounds for granting reconsideration of an order: "(1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice." White v. Sabatino, 424 F. Supp. 2d 1271, 1274 (D. Hawai'i 2006) (citing Mustafa v. Clark County Sch. Dist., 157 F.3d 1169, 1178-79 (9th Cir. 1998)). "Mere disagreement with a previous order is an insufficient basis for reconsideration." Id. "Whether or not to grant reconsideration[,]" however, "is committed to the sound discretion of the court." Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003) (citing Kona Enter., Inc. v. Estate of Bishop, 229 F.3d 877, 883 (9th Cir. 2000)).

Plaintiff's Motion does not satisfy any of the three grounds for granting reconsideration of an order. It provides no intervening change in controlling law, no new evidence previously

unavailable, and no need to correct clear or manifest error in law or fact to prevent manifest injustice. To the extent Plaintiff's Motion repeats allegations that the Court already had before it when the Court denied the Motion To Amend, Plaintiff does not show error by this Court. To the extent Plaintiff's Motion sets forth new factual allegations, he does not indicate why those could not have been presented earlier or why they constitute newly discovered evidence.

On the basis of the foregoing, Plaintiff's Motion to Reconsider 3/21/12 Order Denying Plaintiff's 3/9/12 Motion to Amend Judgment, filed March 29, 2012, is HEREBY DENIED. Plaintiff is advised that judgment has been entered, this matter is closed, and the Court will not entertain further motions for reconsideration regarding the same issues raised in his previous motions.

The Clerk of Court is directed to serve the present Order on Attorney Thomas Collins and on Hawai'i State Attorney General David Louie, who in turn are asked to notify the respective named Defendants whom they represent or have represented that this Order has been entered.

IT IS SO ORDERED.

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DATED AT HONOLULU, HAWAII, March 30, 2012.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

GLENN MIZUKAMI V. DONNA C. EDWARDS, ET AL; CIVIL NO. 12-00103
LEK-BMK; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION