IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HENRY LAGMAY, #AO191119,	)	CIV. NO. 16-00408 DKW/KJM
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF'S OBJECTIONS
	)	
vs.	)	
	)	
SHELLY NOBRIGA, et al.,	)	
	)	
Defendants.	)	
	)	

ORDER DENYING PLAINTIFF'S OBJECTIONS

Plaintiff's April 5, 2017 "Objections" are construed as a motion for reconsideration of the Court's March 21, 2017 Order striking the proposed Second Amended Complaint. *See* ECF No. 26; Local Rule LR60.1. Three grounds justify reconsideration: (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. *Hele Ku KB, LLC v. BAC Home Loans Servicing, LP*, 873 F. Supp. 2d 1268, 1289 (D. Haw. 2012); *Grandinetti v. Hyun*, 2017 WL 239741, at *2 (D. Haw. Jan. 19, 2017).

Plaintiff claims "Bias-PreJudice-Preconception-Favoritism-Discrimination," and "Indifference." Mot., ECF No. 26. He objects to the dismissal of Defendants "who acquiesces in Illegal Behavior which could be regulated by contract," and

alleges an implied conspiracy. Plaintiff cites *Phillips v. Hust*, 338 F. Supp.2d 1148 (D. Ore. 2004), a decision that was vacated by the Supreme Court, 555 U.S. 1150 (2009), and to two of his own cases that were dismissed for failure to state a claim and later affirmed by the Ninth Circuit. *See* ECF No. 26, PageID #645-46 (citing App. Nos.15-17068 and 16-1586).

Plaintiff cites no new law or evidence, nor details circumstances justifying the need to correct clear error or prevent manifest injustice. *See White v. Sabatino*, 424 F.Supp.2d 1271, 1274 (D. Haw. 2006). Plaintiff therefore fails to persuade the Court to reconsider its decision to strike the Second Amended Complaint for failure to comply with the Court's explicit directions, and his Objections are DENIED and OVERRULED.

Plaintiff is again reminded that it is his responsibility to ensure that Defendants Kaipo Sarkissian and Levy Christensen are served within the time

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allotted for service by FRCP 4(m), as calculated from the February 9, 2017 Service Order.

IT IS SO ORDERED.

DATED: April 6, 2017 at Honolulu, Hawai'i.

/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

Henry Lagmay vs. Shelly Nobriga, et al.; Civil No. 16-00408 DKW-KJM; **ORDER DENYING PLAINTIFF'S OBJECTIONS**

Lagmay v. Nobriga, 1:16-cv-00408; psa Recon 2017/Lagmay dkw (obj to dsm SAC).