

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CHARLES LEE

CIVIL ACTION

VERSUS

NO: 12-1185

N. BURL CAIN, WARDEN

SECTION: "J"

ORDER AND REASONS

Before the Court is Petitioner Charles Lee's *Second Motion for Reconsideration*.¹ (**Rec. Doc. 58**) This Court previously determined that Petitioner's *First Motion for Reconsideration* (R. Doc. 38) was untimely. (R. Doc. 57.) Upon review of the record, Mr. Lee's motion, and the applicable law, this Court finds, for the reasons set forth below, that Plaintiff's *Second Motion for Reconsideration* (R. Doc. 58) should be **DENIED**.

Rule 60(b) provides that a court may reconsider an order for several reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by reasonable diligence could not have been discovered in time to move for a new trial under Rule 59(e); (3) fraud, misrepresentation, or other misconduct; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or it is based on a prior

¹ Petitioner's motion is entitled "Request for Re-Hearing from the Denial of the Petitioner's Motion for Relief from Judgment Federal Rules for Civil Procedure Rule 60(b)." The Court shall construe this as a second motion for reconsideration.

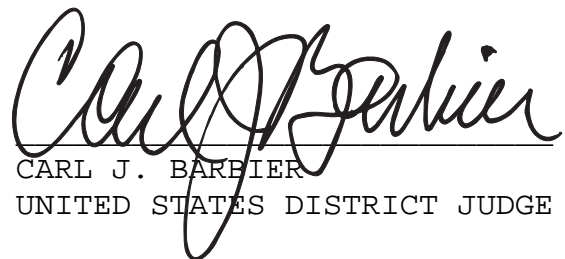
judgment that has been reversed or vacated, or it is no longer equitable for the judgment to have prospective application; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b). A district court has considerable discretion to grant or deny a motion for reconsideration. See Edward H. Bohlin Co. v. Banning Co., 6 F.3d 350, 355 (5th Cir. 1993). A court's reconsideration of an earlier order is an extraordinary remedy that should be granted sparingly. Kelly v. Bayou Fleet, Inc., No. 05-6871, 2007 WL 3275200, at *1 (E.D. La. Nov. 6, 2007).

Plaintiff has failed to allege any facts that would support the granting of his Second Motion for Reconsideration pursuant to Rule 60(b). Furthermore, Petitioner has already sought reconsideration from this Court, which was denied. (R. Doc. 57.)

Accordingly,

IT IS ORDERED that Petitioner Charles Lee's *Motion for Reconsideration (Rec. Doc. 58)* is hereby **DENIED**.

New Orleans, Louisiana, this 9th day of November, 2016.


CARL J. BARBIER
UNITED STATES DISTRICT JUDGE