

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALI SAREINI,

Plaintiff,

Case Number 08-13961-BC
Honorable Thomas L. Ludington

v.

DAVE BURNETT,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

On March 31, 2011, the Court issued an opinion and order granting in part and rejecting in part Magistrate Judge Virginia Morgan's report and recommendation, overruling Plaintiff's objections, granting in part and denying in part Defendant's objections, and granting in part and denying in part Defendant's motion for summary judgment. ECF No. 72. The Court's opinion and order dismissed Plaintiff's religious property claim, Plaintiff's religious holiday banquet claim under the Free Exercise Clause, and Plaintiff's Equal Protection claim. On April 14, 2011, Plaintiff filed a motion for reconsideration. ECF No. 74.

"[T]he court will not grant motions for . . . reconsideration that merely present the same issues ruled upon by the court The movant must not only demonstrate a palpable defect by which the court and the parties or other persons entitled to be heard have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. L.R. 7.1(h). A defect is "palpable" if it obviously misstates material facts or commits a "clear error of law." *See Hayes v. Norfolk Southern Corp.*, 25 F. App'x 308, 315 (6th Cir. Dec. 18, 2001) (explaining the justifications for amending a judgment pursuant to Rule 59(e)).

Plaintiff's motion for reconsideration restates arguments that have already been provided to and considered by the Court and states his disagreement with the Court's March 31, 2011 opinion and order. The motion does not, however, "demonstrate a palpable defect by which the court and the parties [were] misled" and consequently must be denied. E.D. Mich. L.R. 7.1(g).

Accordingly, Plaintiff's motion for reconsideration (ECF No. 74) is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 31, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Ali Sareini, #203519, at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by first class U.S. mail on August 31, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS