

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEMUJIN KENSU,

Plaintiff,

Case No: 12-11877
Hon. Victoria A. Roberts

vs

LLOYD RAPELJE, et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE (DOC. # 142) AND
DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION (DOC. # 143)**

Before the Court are Plaintiff's request for leave pursuant to this Court's February 4, 2014, Order and a motion for reconsideration of this Court's March 14, 2014, Order denying his request for preliminary injunction and appointment of expert. In his brief, Plaintiff has also requested a hearing this motion.

The Court **GRANTS** Plaintiff's request for leave. The Court **DENIES** his motion for reconsideration and request for hearing.

I. Motion for reconsideration was untimely.

Local Rule 7.1(h)(1) outlines the rules regarding Motions for Rehearing or Reconsideration:

- (1) Time. A motion for rehearing or reconsideration must be filed within 14 days after entry of the judgment or order.

Plaintiff requests reconsideration of this Court's order dated March 14, 2014. Plaintiff filed this motion for reconsideration on April 4, 2014. Even though this makes his motion untimely, the Court determines it on its merits.

II. Motion for reconsideration is denied.

Local Rule 7.1(h)(3) provides the Court's standard of review:

Generally, and without restricting the court's discretion, the court will not grant motions for ... reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3).

Palpable defects are those which are "obvious, clear, unmistakable, manifest or plain." *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002). "It is an exception to the norm for the Court to grant a motion for reconsideration." *Maiberger v. City of Livonia*, 724 F. Supp. 2d 759, 780 (E.D. Mich. 2010). "[A]bsent a significant error that changes the outcome of a ruling on a motion, the Court will not provide a party with an opportunity to relitigate issues already decided." *Id.*

Plaintiff's arguments do not demonstrate palpable defects, which if corrected would result in a different disposition of the Court's order.

Plaintiff's Motion for reconsideration is **DENIED**. Plaintiff's request for a hearing is **DENIED**.

III. Medical conditions at issue.

The only medical conditions at issue in this case are those that have been alleged in the amended complaint. (Doc. #56). After reviewing the motion, it seems the Plaintiff is under the misguided assumption that every court filing is an opportunity to expand the scope of his complaint. For example, if Plaintiff's hearing disorders were not alleged in the amended complaint, then they are simply not relevant to this case, even though Plaintiff has now alleged them in his motion.

IV. Format of Court filings.

Under Local Rule 5.1(a)(2)

All papers must be on 8 ½ x 11 inch white paper of good quality, plainly typewritten, printed, or prepared by a clearly legible duplication process, and double-spaced, except for quoted material and footnotes. Margins must be at least one inch on the top, sides, and bottom. Each page must be numbered consecutively. This subsection does not apply to exhibits submitted for filing and documents filed in removed actions before removal from the state courts.

E.D. Mich. LR 5.1(a)(2).

Under Local Rule 7.1(d)(3) Length of Briefs.

(A) The text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply ex parte in writing setting forth the reasons.

(B) The text of a reply brief, including footnotes and signatures, may not exceed 7 pages.

E.D. Mich. LR 5.1(a)(2).

The court requires that all future filings conform to all Eastern District of Michigan Local Court Rules.

V. Conclusion.

Plaintiff's Motion for reconsideration and request for a hearing are **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 23, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record and Temujin Kensu by electronic means or U.S. Mail on April 23, 2014.

s/Linda Vertriest