

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY EDWARD CIAVONE,

Plaintiff,

v.

MARK T. SLAVENS, et. al.,

Defendants,

Civil Action No. 2:14-13133

HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On September 8, 2014, the Court summarily dismissed Plaintiff's civil rights complaint which had been brought pursuant to 42 U.S.C. 1983 because it failed to state a claim upon which relief could be granted and on the basis of immunity. *Ciavone v. Slavens*, No. 2:14-CV-13133, 2014 WL 4414504 (E.D. Mich. September 8, 2014).

Plaintiff filed a motion for reconsideration. For the reasons stated below, the motion for reconsideration is denied.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Michigan Regional Council of Carpenters v. Holcroft L.L.C.* 195 F. Supp. 2d 908, 911 (E.D. Mich. 2002)(*citing to* U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (g)(3)). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition

of the case must result from a correction thereof. *Id.* A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Plaintiff alleges that this Court erred in summarily dismissing his complaint. Plaintiff argues that this Court erred in concluding that his right to the access to the courts did not extend to filing a legal malpractice action against his criminal defense attorney. Plaintiff also contends that this Court erred in ruling that the defendants were immune from suit based upon the Eleventh Amendment to the federal constitution and the doctrine of judicial immunity.

Plaintiff failed to show that this Court erred in summarily dismissing his § 1983 complaint. Plaintiff's motion for reconsideration will therefore be denied, because Plaintiff is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court summarily dismissed Plaintiff's civil rights complaint. *Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [dkt. # 7] is **DENIED**.

Dated: 10/2/2014

S/Victoria A. Roberts
United States District Judge