

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Paul McDonald,

Plaintiff,

Case No. 14-14078

Hon. Victoria A. Roberts

v.

Jonathan Stone et al.,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

On October 24, 2014, the Court issued an Order Granting Application to Proceed In Forma Pauperis and Dismissing Complaint. The Court found that the allegations were frivolous. *See, Neitzke v. Williams*, 490 U.S. 319, 324-25 (1989). Plaintiff filed another Complaint making the same factual allegations. The Court construes the Complaint as a motion for reconsideration. The Court denies Plaintiff's Motion.

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 rehearing or 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.

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.*

McDonald has not demonstrated that the Court committed a palpable defect. Instead, he simply filed a second complaint making the same allegations. For the same reasons that the Court dismissed his first Complaint, the Court dismisses the current Complaint.

IT IS ORDERED.

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

Dated: December 2, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record and Paul McDonald by electronic means or U.S. Mail on December 2, 2014.

s/Carol A. Pinegar
Deputy Clerk