

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKEY BILLS,

Plaintiff,

Case No. 15-cv-11414

Hon. Matthew F. Leitman

v.

PAUL KLEE, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION (ECF No. 115)**

Plaintiff Rickey Bills is a state inmate in the custody of the Michigan Department of Corrections. In this prisoner civil-rights action, Bills alleges that the Defendants interfered with his right to access the courts and retaliated against him for filing lawsuits. (*See* Sec. Am. Compl., ECF No. 67.)

On June 14, 2021, Bills filed a motion in which it appeared that he asked for certain records be provided to him. (*See* Mot., ECF No. 103.) The assigned Magistrate Judge did his best to review the motion, and on July 12, 2021, he denied it. (*See* Order, ECF No. 107.)

Bills then filed an objection to the Magistrate Judge's denial of his motion. (*See* Obj., ECF No. 111.) The substance of the objection was one sentence:

At no time in this Plaintiff Rickey Bills “motion” that he requested for an appointment of an attorney/counsel? In (ECF No. 103) Plaintiff Bills did requested for “records” Which the Magistrate denied.

(*Id.*, PageID.1156.)

The objection did not explain why Bills believed that the Magistrate Judge erred. Nor did the objection provide any basis to disturb the Magistrate Judge’s resolution of Bills’ motion. The Court overruled the objection on August 3, 2021. (*See* Order, ECF No. 113.)

On August 11, 2021, Bills filed what he called an “objection” to the Court’s August 3 order. (*See* ECF No. 115.) The Court construes the “objection” as a motion for reconsideration of the Court’s ruling. In that motion, Bills explains that he has been unable to access many of his legal documents and unable to obtain the assistance of a legal writer because of restrictions put in place due to the COVID-19 pandemic. (*See id.*) Bills also says that he is suffering from several significant health problems that have prevented him from presenting his case to the Court in the manner he would prefer. (*See id.*) Finally, Bills again asks for the production of certain documents, including a transcript of what appears to be an interview he participated in with an employee of the Michigan Department of Corrections. (*See id.*)

Motions for reconsideration in this Court are governed by Local Rule 7.1(h).

In relevant part, that rule provides as follows:

Motions for reconsideration of non-final orders are disfavored. They [...] may be brought only upon the following grounds:

- (A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;
- (B) An intervening change in controlling law warrants a different outcome; or
- (C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. Local Rule 7.1(h)(2)(A)-(C). A motion for reconsideration is “not an opportunity to re-argue a case” and/or “to raise [new] arguments which could, and should, have been made” earlier. *Sault Ste. Marie v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998).

The Court has carefully reviewed Bills’ motion for reconsideration and denies it. The Court understands Bills’ frustrations about how restrictions put in place to protect inmates from the COVID-19 pandemic have made it more difficult on Bills to prosecute this case. The Court also sympathizes with Bills’ health problems. However, Bills has not persuaded the Court that it erred when it upheld the Magistrate Judge’s denial of his discovery motion. Simply put, Bills has still not

shown that the records and transcripts that he asks for exist and/or that he could not have sought them from the Defendants while discovery was ongoing. Furthermore, to the extent that Bills seeks documents from his prior counsel, it appears counsel sent Bills those documents in July 2021. (See Ltr. from Counsel, ECF No. 115, PageID.1279.)

For all of these reasons, Bills' motion for reconsideration is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 14, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 14, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126