

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CHRISTENSON, et al.,

Plaintiffs,

Case No. 15-14441

vs.

HON. GEORGE CARAM STEEH

CITY OF ROSEVILLE,
JAMES OSTERHOUT, and
TIMOTHY TOMLINSON,

Defendants.

_____/

ORDER DENYING PLAINTIFFS' MOTION TO RECONSIDER (DOC. 41)
AND DEFENDANTS' MOTION FOR LEAVE TO FILE (DOC. 42)

This matter is presently before the Court on plaintiffs' Motion to Reconsider the Court's Order Denying Plaintiffs' Amended Motion to Amend/Correct a Judgment. (Doc. 39). This is plaintiffs' second motion regarding the Court's Opinion and Order Granting Defendants' Motion to Dismiss. (Doc. 31).

Motions for Reconsideration are governed by E.D. Mich. Local Rule 7.1(h). "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." *Ward v. Wolfenbarger*, 340 F. Supp. 2d 773, 775 (E.D.

Mich. 2004) (internal citations omitted). “A motion for reconsideration which merely presents the same issues ruled upon by the Court, either expressly or by reasonable implication, shall be denied.” *Id.* (internal citations omitted).

Plaintiff’s Motion to Reconsider argues that they have been deprived of their right to occupy their red-tagged property, and that this deprivation constitutes an injury. The Court has ruled on this issue, both expressly, (Doc. 39 at PageID 322-23), and by implication, (Doc. 31 at PageID 263-64) (recognizing that plaintiffs’ did not own the home when it was red-tagged on July 17, 2014, and therefore, the red-tag did not constitute an injury to plaintiff). As such, plaintiffs’ Motion to Reconsider is DENIED.

Defendants’ previously moved for leave to file a response to plaintiff’s motion. (Doc. 42). This motion is now DENIED as moot.

IT IS SO ORDERED.

Dated: August 22, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

<p>CERTIFICATE OF SERVICE</p> <p>Copies of this Order were served upon attorneys of record on August 22, 2017, by electronic and/or ordinary mail.</p> <p><u>s/Marcia Beauchemin</u> Deputy Clerk</p>
