

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID HANEY,

Plaintiff,

Case No. 16-13227

v.

Honorable Nancy G. Edmunds

DR. ROBERT CROMPTON, *et. al.*,

Defendants.

_____ /

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION [115] [117]**

Pending before the Court is Plaintiff's motion for reconsideration of the Court's July 16, 2019 order accepting and adopting the magistrate judge's April 11, 2019 report and recommendation and granting summary judgment to Defendant Dr. Robert Crompton.¹ Pursuant to Rule 7.1(h) of the Local Rules for the Eastern District of Michigan, a party may move for reconsideration of an order within fourteen days of the order's issuance. For the motion to succeed, the movant "must not only demonstrate a palpable defect by which the Court and the parties . . . have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. L. R. 7.1(h). A court generally will not grant a motion for reconsideration that "merely present[s] the same issues ruled upon by the Court, either expressly or by reasonable implication." *Id.*

¹ Plaintiff filed a motion to amend his motion to motion for reconsideration. (ECF No. 117.) This motion is granted. The Court will consider Plaintiff's motion for reconsideration (ECF No. 115) as amended by Defendant's motion to amend (ECF No. 117).

Plaintiff's motion does not satisfy the requirements of Rule 7.1(h). The crux of Plaintiff's motion is that Defendant Crompton falsified or fabricated evidence relating to Plaintiff's medication and treatment. Plaintiff does not, however, set out a palpable defect by which the Court has been misled, but instead merely re-hashes the arguments he previously made in his response to Defendant's motion for summary judgment and in his objection to the magistrate judge's R&R. See *Smith ex rel. Smith v. Mount Pleasant Pub. Sch.*, 298 F. Supp. 2d 636, 637 (E.D. Mich. 2003) ("A motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not."). The Court sees no reason to address these arguments again. Accordingly, Plaintiff's motion for reconsideration is **DENIED**.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 2, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 2, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager