

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

JOHN KELMENDI, et al.,

Plaintiffs,

Case No. 20-12354

v.

HON. DENISE PAGE HOOD

T. HOGAN, et al.,

Defendants.

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**ORDER REGARDING PLAINTIFFS'
OBJECTIONS TO SCHEDULING ORDER [§s 58, 59]**

This matter is before the Court on Plaintiffs' Objections [ECF Nos. 58 and 59], which the Court considers as Motions for Reconsideration of this Court's Order Extending Scheduling Order [ECF No. 54].

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration of non-final orders must be filed within 14 days after entry of the order. E.D. Mich. LR 7.1(h)(2). No response to the motion and no oral argument are permitted unless the Court Orders otherwise. E.D. Mich. LR 7.1(h)(3). Motions for reconsideration may be brought 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. LR 7.1(h)(2). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

The Stipulation and Order for Extension of Scheduling Order [ECF No. 54] was entered on February 1, 2023. As indicated in the Order, the extension was stipulated to by the parties. At that time, Plaintiffs were represented by counsel. Plaintiffs, now proceeding pro se, filed their “Objections” on July 21, 2023 and August 14, 2023, more than five months from the entry of the February 1, 2023 Order, well beyond the 14 days required to file a motion for reconsideration under the local rules set forth above. The Court will not consider the untimely motions. Even if the Court were to consider the untimely motions, as noted, the extension of dates were agreed to by the parties. The Court did not make a mistake on entering the order extending the dates in this matter.

Accordingly,

IT IS ORDERED that Plaintiffs' Objections [ECF Nos. 58, 59], considered as Motions for Reconsideration of the Stipulation and Order for Extension of Scheduling Order [ECF No. 54], are **DENIED**.

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: November 15, 2023