

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ZACH HILLESHEIM,

Plaintiff,

v.

ORDER

Civil File No. 16-2989 (MJD/LIB)

CARLSON HARDWARE CO.,
BERNARD CARLSON, and
ETHEL CARLSON,

Defendants.

Padraigin Browne, Browne Law LLC, Counsel for Plaintiff.

David M. Wilk and Stephanie L. Chandler, Larson King, LLP, Counsel for
Defendants.

The above-entitled matter comes before the Court on Plaintiff Zach Hillesheim's letter request to file a motion for reconsideration. [Docket Nos. 27-29] Plaintiff requests permission to file a formal motion for reconsideration of the Court's February 7, 2017 Order [Docket No. 26] reversing the portion of the Magistrate Judge's Order [Docket No. 24] permitting Peter Hansmeier to conduct the site inspection.

The Local Rules provide that a motion to reconsider can only be filed with the Court's express permission, and such permission can only be obtained if the party shows "compelling circumstances." L.R. 7.1(j). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted).

The Court has thoroughly reviewed Plaintiff's request and the Court's February 7, 2017 Order, and concludes that the Court's Order contains no manifest errors of law or fact. Nor has Plaintiff offered new evidence that would alter the Court's Order. Plaintiff has not shown compelling circumstances to support filing a motion to reconsider.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

Plaintiff Zach Hillesheim's request to file a motion for reconsideration. [Docket Nos. 27- 29] is **DENIED**.

Dated: March 8, 2017

s/ Michael J. Davis

Michael J. Davis

United States District Court