IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

DUANE RONALD BELANUS,	)	CV 11-00026-H-DWM-RKS
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
TRACY CHANDLER, RAYMOND POTTER, LEO GALLAGHER, MELISSA BROCH, CATHY MURPHY, and JEFFREY SHERLOCK,	)	
Defendants.	)	

Pro se Plaintiff Duane Ronald Belanus has filed a motion (dkt # 13) that essentially asks the Court to reconsider its Order (dkt # 11) of August 29, 2011. That Order adopted the Findings and Recommendations of Judge Lynch and dismissed this matter with prejudice for failure to state a claim upon which relief can be granted. Judgment was entered on August 30, 2011. No appeal was filed.

This Court construes Belanus's Motion as a motion for reconsideration. Before filing a motion for reconsideration, a party must first seek leave of the Court. Local R. of Proc. 7.3(a). Furthermore, "no motion for leave to file a

motion for reconsideration may repeat any oral or written argument made by the applying party before entry of the order." Id. at 7.3(c). A party must also show the applicable law is materially different than the law presented to the Court before entry of the Order or that he did not know the law before entry of the Order. Id. at 7.3(b).

In his Motion, Belanus does not request leave to file a motion for reconsideration. Additionally, he simply reargues his case and presents the same law already considered by the Court. Belanus has failed to identify clear error by the Court, McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999), and the Court sees no clear error in its judgment.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion (dkt # 13) is DENIED.

IT IS FURTHER ORDERED that the Court declines to construe Plaintiff's Motion as a Notice of Appeal. If he wishes to appeal, he should file a separate notice of appeal.

Dated this 3rd day of November, 2011.

Donald W. Molloy, District Judge
United States District Court