UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-liability company,

Plaintiff,

v.

GARRY NEWMAN, et al.,

Defendants.

2:10-CV-1762 JCM (PAL)

**ORDER** 

Presently before the court is plaintiff Righthaven LLC's emergency motion to reconsider the court's order (doc. #22) granting defendant's motion to dismiss for lack of jurisdiction.(Doc. #23). Defendant Newman filed an opposition. (Doc. #24). Plaintiff did not file a reply.

On July 22, 2011, the court entered an order granting defendant Newman's motion to dismiss (doc. #19). (Doc. #22). The court granted the motion to dismiss pursuant to Local Rule 7-2(b), based on plaintiff's failure to file a timely response by July 15, 2011 to defendant's motion. In addition, prior to dismissal, the court weighed the factors identified in *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), and found dismissal to be appropriate.

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see* Fed. R. Civ. P. 59(e); *see also* Fed. R. Civ. P. 60(b).

James C. Mahan U.S. District Judge

The plaintiff fails to present any new law, new facts, or new evidence indicating that any of the circumstances enumerated by the Ninth Circuit are present here. In the present motion for reconsideration, plaintiff asks this court to reconsider its order (doc. #22), due to the fact that plaintiff filed a timely compliance with LR 7-2(b) through the submission of the first amended complaint on July 15, 2011. However, the plaintiff's first amended complaint was not filed until July 16, 2011. Therefore, plaintiffs failed to file a timely response to defendant's motion to dismiss, and this court correctly granted the motion accordingly.

Accordingly,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff Righthaven, LLC's motion to reconsider the order dated July 22, 2011, (doc. #23) be, and the same hereby is, DENIED.

DATED September 23, 2011.

Xellus C. Mahan

UN TED STATES DISTRICT JUDGE