

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ALEXANDER D. SEVILLET,)	
)	
Plaintiff,)	2:11-cv-00761-PMP-CWH
)	
vs.)	<u>ORDER</u>
)	
ISIDRO BACA, <i>et al.</i> ,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff’s Motion for Reconsideration (#38), filed November 10, 2011, and Defendants’ Opposition to Motion for Reconsideration (#39), filed November 15, 2011. By way of his motion, Plaintiff requests that the Court reconsider its prior order (#33) wherein it denied Plaintiff’s request to compel the Nevada Department of Corrections to provide the names of certain individuals. *See* Pl.’s Mot. (#29). Plaintiff also requests that the Court issue summons for the unnamed individual or individuals whose identity Plaintiff seeks to compel.

The court “possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient.” *City of L.A., Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 888 (9th Cir. 2001) (internal citations omitted). This may be done at any time prior to entry of a final judgment. *See Sch. Dist. No. 5 v. Lundgren*, 259 F.2d 101, 105 (9th Cir. 1958); *Santamarina v. Sears, Roebuck & Co.*, 466 F.3d 570, 571-72 (7th Cir. 2006). The district court should grant a motion for reconsideration if: (1) it is presented with newly discovered evidence, (2) it has committed clear error or the initial decision was manifestly unjust, or (3) there has been an intervening change in controlling law.” *Nunes v. Ashcroft*, 375 F.3d 805, 807–08 (9th Cir.2004) (quoting *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.1993)).


On the other hand, a motion for reconsideration is properly denied when the movant fails to establish any reason justifying relief. *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th

1 Cir.1985). A motion for reconsideration should not merely present arguments previously raised;
2 that is, a motion for reconsideration is not a vehicle permitting the unsuccessful party to reiterate
3 arguments previously presented. *See Merozoite v. Thorp*, 52 F.3d 252, 255 (9th Cir.1995); *Khan*
4 *v. Fasano*, 194 F.Supp.2d 1134, 1136 (S.D.Cal.2001) (“A party cannot have relief under this rule
5 merely because he or she is unhappy with the judgment.”).

6 Reconsideration is not appropriate here. Plaintiff has not presented any argument or issue
7 that was not previously considered in the prior order. There has been no intervening change in
8 law. Nor will there be any manifest injustice as Plaintiff may still serve the appropriate discovery
9 request on the Nevada Department of Corrections to obtain the information sought. Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Reconsideration (#38) is
11 **denied.**

12 DATED this 21st day of November, 2011.

13
14 
15 C.W. Hoffman, Jr.
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28