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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ARIE ROBERT REDEKER,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

Case No. 2:12-cv-00397-APG-GWF

**ORDER**

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

By order filed March 11, 2014, this Court granted in part, and denied in part, respondents' motion to dismiss the second amended petition. (Dkt. #41). Respondents have filed a motion for reconsideration of certain portions of the Court's order. (Dkt. #42). Petitioner has opposed respondents' motion for reconsideration. (Dkt. #43). Respondents have filed a reply. (Dkt. #45).

In challenging an interlocutory order, a district court may rescind, reconsider, or amend a previous order pursuant to its inherent power to modify interlocutory orders before the entry of final judgment. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 886-87 (9<sup>th</sup> Cir. 1987). Reconsideration is reserved for instances in which there is newly discovered evidence, an intervening change of controlling law, or where the court committed clear error. *See McDowell*

1 *v. Calderson*, 197 F.3d 1253, 1255 (9<sup>th</sup> Cir. 1999) (reviewing standard for motion for  
2 reconsideration under Rule 59(e)).

3 In their motion for reconsideration, respondents describe as “clearly erroneous” this Court’s  
4 rulings that certain grounds of the second amended petition are exhausted and its ruling that Ground  
5 14 is not procedurally barred. Each of respondents’ arguments were made previously in the State’s  
6 motion to dismiss, and those arguments were rejected in the Court’s order of March 11, 2014. (Dkt.  
7 #32 & #41). Mere disagreement with an order is an insufficient basis for reconsideration. Nor  
8 should reconsideration be used to make new arguments or ask the Court to rethink its analysis. *See*  
9 *N.W. Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9<sup>th</sup> Cir. 1988). Because  
10 respondents’ motion for reconsideration merely voices disagreement with this Court’s order and  
11 asks the Court to rethink its analysis, the motion is denied.

12 Petitioner has filed a notice of abandonment, indicating that he abandons the grounds of the  
13 second amended petition identified as unexhausted in the Court’s order of March 11, 2014,  
14 including: (1) the Double Jeopardy claim in Ground One; (2) the Fifth Amendment claim in Ground  
15 Four; and (3) the Fourth and Fifth Amendment and Due Process claims in Ground Six. (Dkt. #44).  
16 Respondents shall now file their answer to the remaining grounds for relief.

17 **IT IS THEREFORE ORDERED** that respondents’ motion for reconsideration (Dkt. #42)  
18 is **DENIED**.

19 **IT IS FURTHER ORDERED** that respondents **SHALL FILE AND SERVE AN**  
20 **ANSWER** to the remaining grounds of the second amended petition within **thirty (30) days** from  
21 the entry of this order. The answer shall include substantive arguments on the merits as to each  
22 remaining ground of the second amended petition. **No further motions to dismiss will be**  
23 **entertained**.

24 **IT IS FURTHER ORDERED** that petitioner **SHALL FILE AND SERVE A REPLY** to  
25 the answer, within **thirty (30) days** after being served with the answer.

26 **IT FURTHER IS ORDERED** that any further exhibits filed by the parties shall be filed  
27 with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF  
28 attachments that are filed further shall be identified by the number or numbers (or letter or letters)

1 of the exhibits in the attachment. The hard copy of any additional exhibits shall be forwarded – for  
2 this case – to the staff attorneys in **Reno, Nevada**. The hard copy of all exhibits submitted to the  
3 Court shall be bound along the top edge of the pages.

4 Dated: March 18, 2015.

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8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
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