

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHAD CARTER,)
)
Plaintiff,)
vs.)
RENT-A-CENTER, INC.,)
)
Defendant.)
)

Case No.: 2:15-cv-00178-GMN-CWH

ORDER

Pending before the Court is the Motion to Reconsider (ECF No. 31) filed by Plaintiff Chad Carter (“Plaintiff”). Defendant Rent-A-Center, Inc. (“Defendant”) filed a Response (ECF No. 35), and Defendant filed a Reply (ECF No. 36). Plaintiff asserts that “the Court committed clear legal error in finding the class waiver is enforceable without analyzing Plaintiff’s unconscionability argument, effectively denying Plaintiff the right to be heard on this particular issue.” (Mot. Reconsider 5:1–5).

“[A] motion for reconsideration should not be granted, absent highly unusual circumstances.” Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003) (citation omitted). Reconsideration is appropriate where: (1) the court is presented with newly discovered evidence, (2) the court 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, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). However, a motion for reconsideration is not a mechanism for rearguing issues presented in the original filings, Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985), or “advancing theories of the case that could have been presented earlier, Resolution Trust Corp. v. Holmes, 846 F. Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes omitted). Thus, Rule 59(e) and 60(b) and are not “intended to give an unhappy

1 litigant one additional chance to sway the judge.” Durkin v. Taylor, 444 F. Supp. 879, 889
2 (E.D. Va. 1977).

3 The Court has reviewed the prior Orders and the arguments presented by Plaintiff in its
4 motion and has not found any reason to overturn this Court’s previous Orders. The Court finds
5 neither clear error nor manifest injustice in the reasoning of its previous Orders. Accordingly,
6 Plaintiff’s Motion to Reconsider is DENIED.

7 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Reconsider (ECF No. 31) is
8 **DENIED.**

9 **DATED** this 12 day of April, 2016.

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Gloria M. Navarro, Chief Judge
United States District Judge