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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PAUL WILLIAM PILGER,

Plaintiff(s),

v.

BANK OF AMERICA, N.A., et al.,

Defendant(s).

Case No. 2:15-CV-1833 JCM (NJK)

ORDER

Presently before the court is pro se plaintiff Paul Pilger’s motion for reconsideration of this court’s July 1, 2016, order dismissing the action. (ECF No. 23). Defendant Bank of America, N.A. filed a response. (ECF No. 24). Plaintiff did not file a reply. Although not specified, it appears that plaintiff seeks relief under Federal Rule of Civil Procedure 60(b). See (ECF No. 23).

A motion for reconsideration “should not be granted, absent highly unusual circumstances.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). 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.” *Dixon v. Wallowa County*, 336 F.3d 1013, 1022 (9th Cir. 2003); see also Fed. R. Civ. P. 60(b).

Plaintiff elucidates nine arguments in his motion, separated into nine corresponding sections. See (ECF No. 23). The court has reviewed each argument.

The first, second, third, fourth, and seventh bases of the motion address either irrelevant considerations or seek to relitigate issues that could have been addressed before the court granted dismissal; therefore, they cannot serve as the foundation for relief under rule 60. See *Casey v. Albertson’s Inc*, 362 F.3d 1254, 1261 (9th Cir. 2004).

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As to the fifth and eighth ground, removal does not require the granting of a motion. See 28 U.S.C. § 1446. Therefore, these arguments are unpersuasive.

The sixth ground for relief is similarly meritless because plaintiff's motion appears to acknowledge that the Nevada Supreme Court did reach a decision regarding discovery and mediation in the prior state case. See (ECF No. 23).

Finally, the ninth ground is not pertinent here because the present order is not based on any consideration of timeliness. See (id.).

In sum, plaintiff has not shown that he is entitled to relief pursuant to rule 60.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for reconsideration (ECF No. 23) be, and the same hereby is, DENIED.

DATED April 20, 2017.


UNITED STATES DISTRICT JUDGE