

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**

DONALD E. MITCHELL, JR.,  
Plaintiff(s),  
vs.  
NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendant(s).

Case No. 2:16-cv-00037-RFB-NJK  
ORDER  
(Docket No. 60)

Pending before the Court is Plaintiff’s motion for reconsideration of the order denying his discovery motions. Docket No. 60. Defendants filed a response in opposition. Docket No. 64. No reply was filed. Motions for reconsideration are disfavored. Local Rule 59-1(b). The Local Rules provide the applicable standards in addressing whether the Court should reconsider an interlocutory order, indicating that reconsideration may be appropriate if (1) there is newly discovered evidence that was not available when the original motion or response was filed, (2) the Court committed clear error or the initial decision was manifestly unjust, or (3) there is an intervening change in controlling law. Local Rule 59-1(a).<sup>1</sup>

//

---


<sup>1</sup> “The Federal Rules of Civil Procedure do not contain a provision governing the review of interlocutory orders.” *Philips v. C.R. Bard, Inc.*, 290 F.R.D. 615, 665 (D. Nev. 2013). Defendants quote Rule 60 of the Federal Rules of Civil Procedure, which establishes the standards for seeking relief from a final order or judgment. Docket No. 64 at 3. As Plaintiff seeks reconsideration of an interlocutory order, the Court applies Local Rule 59-1(a).

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

Having failed to meet these standards, Plaintiff's motion for reconsideration is **DENIED**.

IT IS SO ORDERED.

DATED: October 20, 2017

  
\_\_\_\_\_  
NANCY J. KOPPE  
United States Magistrate Judge