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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM LEONARD,

Plaintiff,

v.

RENEE BAKER et al.,

Defendants.

Case No. 3:15-cv-00275-MMD-VPC

ORDER

I. DISCUSSION

On May 31, 2016, this Court issued a screening order on Plaintiff's first amended complaint and permitted Counts I, II and IV to proceed. (ECF No. 13 at 10-11; see ECF No. 11.) The Court dismissed Counts III and V without prejudice. (ECF No. 13 at 10.) The Court also dismissed Defendants Baker, Cox, Aranas, Koehn, Jones, Drain, Smith, Fletcher and Byrne without prejudice. (*Id.* at 11.) The Court stayed the case for ninety (90) days to give the parties an opportunity to settle their dispute. (*Id.*) On August 23, 2016, the parties engaged in mediation but did not reach a settlement. (ECF No. 17.) The Court granted Plaintiff's application to proceed *in forma pauperis* and issued a service order. (ECF No. 19.)

On October 6, 2016, Plaintiff filed a motion for leave to file a second amended complaint and attached the proposed second amended complaint. (ECF No. 32, 32-1.) On December 1, 2016, the Court granted Plaintiff's motion to amend and filed Plaintiff's second amended complaint on December 2, 2016. (ECF No. 48, 49.)

1 On December 15, 2016, Plaintiff filed a 96-page motion for reconsideration of this
2 Court's May 2016 screening order. (ECF No. 50.) Plaintiff objected to the dismissal of
3 some of the defendants in his case. (*Id.* at 2-18.) In response, Defendants argued that
4 the second amended complaint contained the same factual allegations and causes of
5 action as Plaintiff's first amended complaint. (ECF No. 57 at 5.) Defendants argued that
6 Plaintiff regurgitated the same factual allegations that he had previously asserted. (*Id.* at
7 6.) In reply, Plaintiff argued that he provided the Court with newly discovered evidence
8 which strengthened his factual allegations. (ECF No. 62 at 2.)

9 A motion to reconsider must set forth "some valid reason why the court should
10 reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to
11 persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d
12 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented
13 with newly discovered evidence, (2) committed clear error or the initial decision was
14 manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No.*
15 *1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration is not
16 an avenue to re-litigate the same issues and arguments upon which the court already has
17 ruled." *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

18 The Court denies the motion for reconsideration. The Court has reviewed the
19 arguments in Plaintiff's motion and finds that the Court considered these arguments and
20 allegations when it screened Plaintiff's first amended complaint. The Court does not find
21 that it committed clear error in its initial decision. Additionally, Plaintiff has not provided
22 the Court with any newly discovered evidence that would change the outcome of the
23 screening order.

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II. **CONCLUSION**

For the foregoing reasons, it is ordered that the motion for reconsideration (ECF No. 50) is denied.

DATED THIS 9th day of March 2017.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE