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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

GUANGYU WANG,

٧.

EDUCATION,

Plaintiff,

**NEVADA SYSTEM OF HIGHER** 

Defendant.

Case No. 3:18-cv-00075-MMD-CBC

ORDER

This is a Title VII retaliation case brought by a pro se plaintiff. The Court previously granted summary judgment in favor of Defendant Nevada System of Higher Education as to the following issues: (1) damages in connection with Plaintiff Guangyu Wang's first two claims; (2) liability in connection with his third claim; and (3) liability in connection with the fourth claim. (ECF No. 97 at 1 ("Order").) Plaintiff filed an objection to the Order under Federal Rule of Civil Procedure 46. (ECF No. 100.) The Court construes Plaintiff's objection as a motion for reconsideration. Hamilton v. Brown, 630 F.3d 889, 893 (9th Cir. 2011) (quoting Resnick v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000)) ("[C]ourts must construe pro se pleadings liberally."). So construed, Plaintiff's motion is denied.

A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision." Frasure v. United States, 256 F. Supp. 2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this 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." Sch. Dist. No. 1J v. AC&S, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration is not

an avenue to re-litigate the same issues and arguments upon which the court already has ruled." Brown v. Kinross Gold, U.S.A., 378 F. Supp. 2d 1280, 1288 (D. Nev. 2005).

Plaintiff's motion does not present newly discovered evidence, show that the Court committed clear error, show that the initial decision was manifestly unjust, or demonstrate an intervening change in controlling law. Rather, Plaintiff's motion seeks to re-litigate the same issues and arguments upon which the Court already has ruled.

It is therefore ordered that Plaintiff's objection (ECF No. 100), construed as a motion for reconsideration, is denied.

DATED THIS 23<sup>rd</sup> day of May 2019.

MIRANDA M. DU UNITED STATES DISTRICT JUDGE