

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LYUBOV YEFIMOVA,

Plaintiff,

vs.

**1:17-CV-403
(TMJ/TWD)**

BANK TRUSTCO,

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

Plaintiff moves for reconsideration of the Court’s Decision and Order, dkt. # 11, adopting the Report-Recommendation of Magistrate Judge Therèse Wiley Danks, which proposed dismissing the Plaintiff’s Complaint for want of subject-matter jurisdiction and as frivolous. See dkt. # 4. Plaintiff’s Complaint concerned allegations of misconduct and theft on the part of the defendant bank, which Plaintiff alleges turned her money over to thieves.

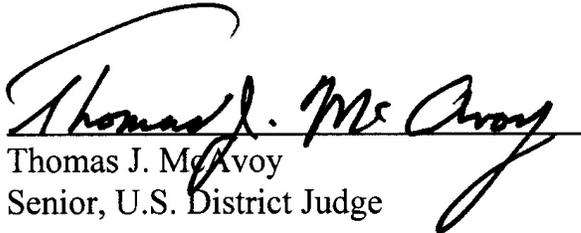
When a party files a motion for reconsideration, “[t]he standard for granting such a motion is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” Shrader v. CSX Transp., 70 F.3d 255, 257 (2d Cir. 1995). Such a motion is “not a vehicle for relitigating old issues, presenting the case under new theories, securing a

rehearing on the merits, or otherwise taking ‘a second bite at the apple[.]’” Analytical Surveys, Inc. v. Tonga Partners, L.P., 684 F.3d 36, 41 (2d Cir. 2012) (quoting Sequa Corp. v. GBJ Corp., 156 F.3d 136, 144 (2d Cir. 1998)).

Plaintiff’s motion does not offer legal arguments that address ways that Judge Dancks’ decision overlooked controlling legal precedents or ignored relevant facts alleged in the Complaint. Instead, Plaintiff accuses Judge Dancks of taking the side of the alleged thieves, who she alleges have a history of buying off judges. Such arguments do not raise any grounds for reconsideration, and Plaintiff’s motion, dkt. # 11, will be denied.

IT IS SO ORDERED.

Dated: October 11, 2017


Thomas J. McAvoy
Senior, U.S. District Judge