

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KELLY PRICE, :
: Plaintiff, :
: v. :
: :
THE CITY OF NEW YORK, ROSE PIERRE- :
LOUIS, SELVENA BROOKS, INSPECTOR :
OLUFUNMILO F. OBE, DETECTIVE LINDA :
SIMMONS, OFFICER JOHN STAINES, :
OFFICER ISELAINE GUICHARDO :
HERMENE GILDO CRUZ, LT. NICHOLAS :
CORRADO, LIEUTENANT RAYMOND :
DEJESUS, OFFICER EMMET, SERGEANT :
SHEVTIZ, MTA OFFICER JOHN DOE, and :
MTA OFFICER JANE DOE, :
: Defendants. :
-----X

USDC SDNY
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DATE FILED: June 1, 2017

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff Kelly Price's second Motion for Reconsideration, filed May 26, 2017, which requests that the Court reconsider its Opinion and Order issued April 21, 2017 (the "April 21 Opinion" (Dkt #65)), resolving her first motion to reconsider and motion to amend her complaint (the "May 26 Motion" (Dkt. #70)). The Court hereby incorporates by reference the April 21 Opinion's recitation of the background of this litigation and legal standards applicable to it.

The Court finds that with regard to six of the seven issues raised in the May 26 Motion, Plaintiff seeks only to relitigate issues already decided by this Court and Judge Preska. Plaintiff's motion to reconsider the resolution of these

issues is denied. *See, e.g., Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) (“[A] motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided.”); *SimplexGrinnell LP v. Integrated Sys. & Power, Inc.*, 642 F. Supp. 2d 206, 210 (S.D.N.Y. 2009) (“A motion for reconsideration is not an invitation to parties to ‘treat the court’s initial decision as the opening of a dialogue in which that party may then use such a motion to advance new theories or adduce new evidence in response to the court’s ruling.’” (internal citations omitted)).

The only new matter that Plaintiff brings to the Court’s attention is Plaintiff’s finding that the Manhattan District Attorney’s Office has blocked her on Facebook. However, because Plaintiff no longer has any pending claims against the Manhattan District Attorney’s Office in this litigation, the Court does not believe it would be appropriate to add these claims to this case at this stage. Plaintiff has not demonstrated that the alleged blocking of her access to the Manhattan District Attorney’s Office’s Facebook page is related to any of the allegations in this case. Accordingly, if Plaintiff wishes to bring a First Amendment claim on the basis of these new allegations, Plaintiff needs to do so in a new and separate action.

CONCLUSION

For the foregoing reasons, Plaintiff’s motion for reconsideration is DENIED. The Clerk of Court is directed to terminate the motion pending at Docket Entry 70.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 1, 2017
New York, New York



KATHERINE POLK FAILLA
United States District Judge

A copy of this Order was mailed by Chambers to:

Kelly Price
534 W. 187th Street
Apt. # 7
New York, NY 10033