

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/28/2020

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TOWAKI KOMATSU, :  
:  
Plaintiff, :  
:  
-against- :  
:  
THE CITY OF NEW YORK, et al., :  
Defendants. :  
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18 Civ. 3698 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 15, 2020, pro se Plaintiff filed an emergency Order to Show Cause and accompanying affidavit. ECF 307, 308. The Order requested discovery related to this matter and for materials unrelated to the remaining claim;

WHEREAS, on January 15, 2020, the Second Circuit held that it lacks jurisdiction over Plaintiff's interlocutory appeal of the Opinion, dated September 30, 2019, granting in part and denying in part Defendants' motion for summary judgment. ECF 239, 309;

WHEREAS, on January 22, 2020, Plaintiff filed a motion for reconsideration of the Opinion, and also filed a request to file an amended complaint. ECF 309;

WHEREAS, on January 23, 2020, Plaintiff filed a request for discovery unrelated to the remaining claim. ECF 310. It is hereby

**ORDERED** that the requests for discovery unrelated to the remaining claim are DENIED. The request for discovery related to the remaining claim is DENIED. See ECF 286 (Ordering Plaintiff to refrain from making further filings in this case, except with respect to the remaining claim or upon direction from Judge Gorenstein). It is further

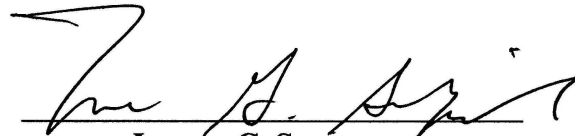
**ORDERED** that the request to file an amended complaint is DENIED. It is further

**ORDERED** that the motion for reconsideration of the Opinion is DENIED. A motion

for reconsideration may be granted only “when the party identifies an intervening change in controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Farmer v. United States*, No. 15 Civ. 6287, 2017 WL 3448014, at \*2 (S.D.N.Y. Aug. 10, 2014). Plaintiff’s request does not identify new evidence that was not available when the Court issued the Opinion. The request also does not indicate a change in controlling law or establish a clear error or manifest injustice in the Opinion.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: January 28, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**