

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ESTATE OF JUAN CARLOS ANDRADE RODRIGUEZ,
EXECUTOR MARCO ANTONIO RODRIGO DE LA TORRE,

Plaintiff,

v.

Case No. 13-01559

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING RECONSIDERATION AND DISMISSING WITHOUT PREJUDICE
THIRD-PARTY COMPLAINT**

This is a wrongful death action under the Federal Tort Claims Act, 28 U.S.C. § 1346 and § 2674. The court granted Defendant United States of America's motion for summary judgment in its opinion and order entered April 6, 2017 (Dkt. # 106). Plaintiff has filed a motion asking the court to reconsider its grant of summary judgment and its denial of Plaintiff's motion for an extension of time to file an expert report (Dkt. # 100), the absence of which formed the basis of the court's summary judgment order. (Dkt. # 110.)

Plaintiff's motion includes no briefing, and points to no error of law or other basis for reconsideration in the court's earlier orders. In the Northern District of Ohio, a court may grant a motion for reconsideration if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice.

Zheng v. Soufun Holdings Ltd., 2016 WL 4082674 (citing *Gencorp, Inc., v. Am. Int'l. Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999)). The court has reviewed its orders and

the accompanying briefing, and finds nothing to justify reconsideration. Therefore, Plaintiff's motion is denied.

The same day the court granted summary judgment, the court directed the parties to notify the court whether the matter should be closed and, if so, to submit a proposed closing order no later than April 21, 2017. (Dkt. # 107.) In response, Defendant/Third-Party Claimant the United States of America and Third-Party Defendant Corrections Corporation of America jointly submitted a motion stipulating to the dismissal of the third-party complaint without prejudice (Dkt. # 108.) The joint motion is granted. Accordingly,

IT IS ORDERED that Plaintiff's motion for reconsideration (Dkt. # 110) is DENIED.

IT IS FURTHER ORDERED that the government and CCA's joint motion to dismiss the third-party complaint (Dkt. # 108) is GRANTED. The third-party complaint (Dkt. # 43) is DISMISSED WITHOUT PREJUDICE.

A separate judgment shall issue.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 24, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522