IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: DISCIPLINE OF PAUL J. McARDLE, ATTORNEY REGISTRATION NUMBER 34446, A MEMBER OF THE BAR OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA	)	Misc. No. 16-1067

OPINION

On May 31, 2017, this court entered an order suspending Paul J. McArdle ("McArdle") from the practice of law in the United States District Court for the District of Pennsylvania for one year and one day, retroactive to December 22, 2016. (ECF No. 6.) That order was reciprocal to an order of suspension entered by the Supreme Court of Pennsylvania on November 22, 2016. McArdle filed a motion for reconsideration in which he argued that this court should not have entered a reciprocal order of suspension because the Pennsylvania Disciplinary Board proceedings and resultant Pennsylvania Supreme Court order of suspension violated his Fourteenth Amendment right to due process of law. (ECF No. 7.) Specifically, McArdle claimed that he was denied the opportunity to present evidence in his defense during the disciplinary proceedings, and that the disciplinary charges against him were unsupported by testimonial evidence, among other defects in the proceedings. (ECF No. 7 ¶¶3, 7-8.) This court considered each of McArdle's arguments, but denied his motion for reconsideration. (ECF Nos. 8-9.)

Shortly after the court denied that motion, McArdle filed a document entitled "Corrections for the Record," which he submitted in order "to correct and clarify the record." (ECF No. 10.) Although the intent and purpose of the submission is not readily apparent, McArdle does reiterate his position that the Pennsylvania Supreme Court's order suspending him

from the practice of law for one year and one day "should not have been followed by this District Court" because the state disciplinary proceedings were a "sham" that suffered from "gross defects of the procedure" and "a complete failure of evidence against him." (Id. ¶¶ 7-8, 10.) The court, out of an abundance of caution, treats McArdle's most recent filings as a second motion for reconsideration.

A motion to reconsider should granted only if the movant demonstrates: 1) an intervening change in controlling law; 2) the availability of new evidence not previously available; or 3) the need to correct a clear error of law or prevent manifest injustice. FED. R. CIV. P. 59(e); Allah v. Ricci, 532 F.App'x 48, 51 (3d Cir. 2013) (citing Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010)); Max's Seafood Café v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (citing N. River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)). In order to be successful on a motion for reconsideration, the movant must demonstrate a "definite and firm conviction that a mistake has been committed," or that the court overlooked arguments that were previously made. United States v. Jasin, 292 F.Supp.2d 670, 676 (E.D. Pa. 2003). A motion for reconsideration is not to be used to relitigate, or "rehash," issues the court already decided, or to ask a district court to rethink a decision it, rightly or wrongly, already made. Bell v. City of Phila., 275 F. App'x 157, 160 (3d Cir. 2008); Spence v. City of Phila., 147 F.App'x 289, 291-92 (3d Cir. 2005); Bhatnagar v. Surrendra Overseas Ltd., 52 F.3d 1220, 1231 (3d Cir. 1995); Trenton v. Scott Paper Co., 832 F.2d 806, 810 (3d Cir. 1987); Williams v. City of Pittsburgh, 32 F.Supp.2d 236, 238 (W.D. Pa. 1998); Reich v. Compton, 834 F.Supp. 753, 755 (E.D. Pa. 1993), aff'd in part, rev'd in part, 57 F.3d 270 (3d Cir. 1995); Keyes v. Nat'l R.R. Passenger Corp., 766 F.Supp. 277, 280 (E.D. Pa. 1991).

McArdle's most recent submission provides no basis for this court to reexamine the previously-issued suspension order. McArdle relies upon the same facts and makes the same legal arguments as he made in his prior submissions before this court. (ECF Nos. 5, 7.) The law has not changed. McArdle identifies no new evidence. And apart from his disagreement with the court's order, McArdle demonstrates no mistake, error, or injustice in the court's prior ruling. McArdle is, therefore, not entitled to relief to the extent his "Corrections for the Record" is treated as a second motion for reconsideration. An appropriate order will be entered contemporaneously with this opinion.

Dated: July 26, 2017

FOR THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge