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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DAVID TROUPE,

8 Plaintiff,

9 v.

10 WASHINGTON STATE PENITENTIARY, et
11 al.,

12 Defendants.

No. 13-CV-5028-EFS

**ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION**

13
14 Before the Court, without oral argument, is Plaintiff's Motion
15 to Reconsider Motion to Compel DOH, ECF No. 231. Plaintiff asks the
16 Court to reconsider its Order Denying Plaintiff's Motion to Compel,
17 ECF No. 263. A motion for reconsideration is "appropriate if the
18 district court (1) is presented with newly discovered evidence, (2)
19 committed clear error or the initial decision was manifestly unjust,
20 or (3) if there is an intervening change in controlling law." *Sch.*
21 *Dist. No. 1J v. AC & S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "[A]
22 motion for reconsideration should not be granted, absent highly
23 unusual circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d
24 656, 665 (9th Cir. 1999). Here, the Plaintiff has provided no new
25 evidence to support his motion. Instead, he repeats the claims he made
26 in his initial motion. The Court's decision remains unchanged. The

1 Court finds that the Department of Health (DOH) sufficiently complied
2 with the subpoena. The DOH gave Mr. Troupe the documents he asked for
3 and the Court will not fault the DOH for redacting the personal
4 information of its employees. Therefore, the Court denies Plaintiff's
5 motion. The dates set forth in the Court's previous order remain
6 unchanged and are reiterated below.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 **1.** Plaintiff's Motion to Reconsider Motion to Compel, **ECF No.**
9 **264**, is **DENIED**.

10 **2.** Plaintiff **must** file his response to Defendants' Motion for
11 Summary Judgment, ECF No. 157, by no later than February 8,
12 2016. If he does not, the Court will consider his previous
13 filings, ECF No. 213-217, as his final response to the
14 motion.

15 **3.** Defendants must file their reply to Defendants' Motion for
16 Summary Judgment, ECF No. 157, by no later than February
17 29, 2016.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
19 Order and provide copies to all counsel and to Mr. Troupe.

20 **DATED** this 25th day of January 2016.

21 _____
22 s/Edward F. Shea
23 EDWARD F. SHEA
24 Senior United States District Judge
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