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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 PETER J. MCDANIELS,

7 Plaintiff,

8 v.

9 BELINDA STEWART, et al.,

10 Defendants.

CASE NO. C15-5943BHS-DWC

ORDER DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION

11
12 This matter comes before the Court on Plaintiff Peter McDaniels's ("McDaniels")
13 motion for reconsideration. Dkt. 175.

14 On March 7, 2011, the Court adopted the Honorable David W. Christel's Report
15 and Recommendation ("R&R") and denied McDaniels's renewed motion for a
16 preliminary injunction. Dkt. 174. On March 9, 2017, McDaniels moved for
17 reconsideration. Dkt. 175. McDaniels asserts that his religious rights are being violated
18 by Defendants because they refuse to tailor a therapeutic diet program so that it satisfies
19 his religious dietary restrictions, despite the availability of a separate nontherapeutic
20 Halal diet. The Court adopted the R&R over McDaniels's objections, because McDaniels
21 has failed to show a likelihood of irreparable harm.
22

1 In his motion for reconsideration, McDaniels has failed to present legal authority
2 that the Court did not already consider when adopting the R&R. The Court already
3 understands that McDaniels is arguing that he has a constitutional right to a Halal version
4 of the “metabolic diet,” not a “mainline diet.” McDaniels has also reemphasized in his
5 motion that (1) he no longer has funds to purchase supplemental food,¹ (2) he has already
6 consumed all the food that was sent to him by his brother, and (3) he is not receiving
7 additional food from fellow inmates. By arguing these points in his motion for
8 reconsideration, McDaniels has indicated that there are less alternative options for
9 supplemental food than contemplated in the R&R or the Court’s previous order. But none
10 of McDaniels’s arguments or factual assertions weaken the underlying premise of the
11 R&R adopted by the Court. *See* Dkt. 163 at 7. (“Although the meat on the metabolic diet
12 is not Halal, Plaintiff has access to Halal meat . . . [and] any of the diets offered to
13 Plaintiff provide sufficient calories and satisfy nutritional requirements.”). Accordingly,
14 Plaintiff has failed to show that the alleged wrongs of Defendants are causing him
15 irreparable harm.

16 McDaniels has therefore failed to show manifest error in the Court’s prior order,
17 *see* Local Rules, W.D. Wash. LCR 7(h)(1), and the Court **DENIES** his motion for
18 reconsideration.

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22 ¹ Plaintiff’s statements in his motion suggests that the \$6,000 in his “Hajj fund” is not
money that is available to him for use at the commissary. *See* Dkt. 175 at 8–9; Dkt. 141 at 3–4.

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IT IS SO ORDERED.

Dated this 20th day of March, 2017.



BENJAMIN H. SETTLE
United States District Judge