

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 TERRANCE JON IRBY,

9 Plaintiff,

10 v.

11 MARGRET GILBERT, et al.,

12 Defendants.

CASE NO. C16-5052 RBL-JRC

ORDER ON MOTION FOR
RECONSIDERATION

13 Plaintiff previously filed a motion for recusal of U.S. Magistrate Judge J. Richard Creatura
14 (dkt. #84), who declined to recuse himself. Dkt. #94. In accordance with the Local Rules, the
15 matter was referred to this Court for review of the refusal to recuse; upon review, this Court
16 affirmed Judge Creatura's refusal. Dkt. #95.

17 Following entry of that order, Plaintiff filed a motion which he entitled "Notice to Stay
18 Proceeding Due to Interlocutory Appeal," (dkt. #100), which contains the following sentence:
19 "Supplement argument on recusal of the Judge Creatura should be heard." *Id.* at 1.

20 In an excess of caution, the Court will treat this motion, at least in part, as one for
21 reconsideration. Local Civil Rule 7(h) provides:

22 Motions for reconsideration are disfavored. The court will ordinarily deny such motions
23 in the absence of a showing of manifest error in the prior ruling or a showing of new facts
24 or legal authority which could not have been brought to its attention earlier with reasonable
diligence.

1 Plaintiff's motion does not satisfy this standard. He alleges no manifest error in the Court's
2 prior ruling, nor does he present new facts or legal authority which he claims could not have been
3 brought to the Court's attention earlier. Therefore, to the extent that Plaintiff is requesting
4 reconsideration of the prior order affirming Judge Creatura's refusal to recuse, that request is
5 DENIED.

6 The remainder of Plaintiff's motion is referred back to Judge Creatura for consideration of
7 whether it constitutes a request for a stay pending interlocutory appeal, and whether that request
8 is meritorious.

9 The Clerk SHALL provide copies of this order to Plaintiff and to all counsel of record.

10 Dated this 18th day of April 2017.

11
12 

13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE