

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 KENNETH TAYLOR CURRY,

CASE NO. C16-5784 RBL

9 Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION

10 v.

11 VANCOUVER HOUSING
AUTHORITY, et al.,

12 Defendants.

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14 THIS MATTER is before the Court on Plaintiff Kenneth Curry's Motion for
15 Reconsideration [Dkt. #41] of the Court's Order granting summary judgment to Defendant
16 Vancouver Housing Authority [Dkt. #39]. Curry's motion restates his perceived grievances
17 against VHA and asserts "that the Court does not have a correct view of the facts or accurate
18 law." Dkt. 41 at 1.

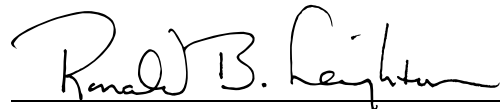
19 Under Local Rule 7(h)(1), motions for reconsideration are disfavored, and will ordinarily
20 be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or legal
21 authority which could not have been brought to the attention of the court earlier, through
22 reasonable diligence. The term "manifest error" is "an error that is plain and indisputable, and
23 that amounts to a complete disregard of the controlling law or the credible evidence in the
24 record." Black's Law Dictionary 622 (9th ed. 2009).

1 Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of
2 finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d
3 877, 890 (9th Cir. 2000). “[A] motion for reconsideration should not be granted, absent highly
4 unusual circumstances, unless the district court is presented with newly discovered evidence,
5 committed clear error, or if there is an intervening change in the controlling law.” *Marlyn*
6 *Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Neither
7 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for
8 reconsideration, is intended to provide litigants with a second bite at the apple. A motion for
9 reconsideration should not be used to ask a court to rethink what the court had already thought
10 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.
11 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for reconsideration,
12 and reconsideration may not be based on evidence and legal arguments that could have been
13 presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT & T Co.*, 363 F.
14 Supp. 2d 1253, 1269 (D. Haw. 2005). “Whether or not to grant reconsideration is committed to
15 the sound discretion of the court.” *Navajo Nation v. Confederated Tribes & Bands of the Yakima*
16 *Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

17 Curry has not met this standard. The Motion for Reconsideration [Dkt. #41] is **DENIED**.

18 IT IS SO ORDERED.

19 Dated this 22nd day of May, 2018.

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22 Ronald B. Leighton
23 United States District Judge
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