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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Center for Biological Diversity, et al.,

Plaintiffs,

v.

United States Fish and Wildlife Service, et al.,

Defendants.

No. CV-17-00475-TUC-JAS (L)  
No. CV-17-00576-TUC-JAS (C)  
No. CV-18-00189-TUC-JAS (C)  
**CONSOLIDATED**

**ORDER**

Pending before the Court is Rosemont’s “Rule 59 motion to alter or amend the judgment” (hereinafter, “motion for reconsideration”). *See* Doc. 266. Plaintiffs oppose the motion for reconsideration. *See* Docs. 273, 274.<sup>1</sup>

Motions for reconsideration should be granted only in rare circumstances. *Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). A motion for reconsideration is appropriate where the district court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *School Dist. No. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Such motions should not be used for the purpose of asking a court “to rethink what the court had already thought


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<sup>1</sup> Because the briefing is adequate and oral argument will not help in resolving this matter, oral argument is denied. *See Mahon v. Credit Bureau of Placer County, Inc.*, 171 F.3d 1197, 1200-1201 (9<sup>th</sup> Cir. 1999).

1 through—rightly or wrongly.” *Defenders of Wildlife*, 909 F. Supp. at 1351 (quoting *Above*  
2 *the Belt, Inc. v. Mel Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). A motion  
3 for reconsideration “may not be used to raise arguments or present evidence for the first  
4 time when they could reasonably have been raised earlier in the litigation.” *Kona Enters.,*  
5 *Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Nor may a motion for  
6 reconsideration repeat any argument previously made in support of or in opposition to a  
7 motion. *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 586 (D.  
8 Ariz. 2003). Mere disagreement with a previous order is an insufficient basis for  
9 reconsideration. *See Leong v. Hilton Hotels Corp.*, 689 F. Supp. 1572, 1573 (D. Haw.  
10 1988).

11 The Court has reviewed the record in this case. The Court finds no basis to  
12 reconsider its decision. Accordingly, IT IS ORDERED that Rosemont’s motion for  
13 reconsideration (Doc. 266) is denied.

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15 Dated this 25th day of October, 2019.

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19 Honorable James A. Soto  
20 United States District Judge  
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