

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MARK J. WATSON

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vs.

Case No. 4:09cv310
(Judge Schneider)

CHIEF ADMINISTRATIVE JUDGE,
U.S. DEPARTMENT OF LABOR

**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER THE COURT'S RULING DISMISSING CASE**

Pending before the Court is the Plaintiff's Original Motion for Reconsideration (Dkt. #48) addressing the Court's ruling dismissing the case (Dkt. #43, #46, and #47). Having considered the Plaintiff's motion, and all relevant pleadings, the Court finds that the motion should be denied.

On February 23, 2010, the Court adopted the findings of the Magistrate Judge that the Motion to Dismiss should be granted and the case dismissed. The Court also issued a final judgment on February 23, 2009. On February 26, 2010, Plaintiff filed a Motion for Reconsideration (Dkt. #48). On March 19, 2010, the United States filed a response (Dkt. #50). On March 22, 2010, Plaintiff filed a reply (Dkt. #51). On March 26, 2010, Third-Party Respondent EDS filed a response (Dkt. #52)

Motions to reconsider serve a very limited purpose: "to permit a party to correct manifest errors of law or fact, or to present newly discovered evidence." *Krim v. pcOrder.com, Inc.*, 212 F.R.D. 329, 331 (W.D. Tex. 2002) (citations omitted). Mere disagreement with a district court's order does not warrant reconsideration of that order. *Id.* at 332. A party should not restate, recycle, or rehash arguments that were previously made. *Id.* District court opinions "are not intended as mere first drafts, subject to revision and reconsideration at a litigant's pleasure." *Quaker Alloy Casting Co. v. Gulfco Indus., Inc.*, 123 F.R.D. 282, 288 (N.D. Ill. 1988). Rather, "litigants are

expected to present their strongest case when the matter is first considered.” *State of Louisiana v. Sprint Comms. Co.*, 899 F. Supp. 282, 284 (M.D. La. 1995)(citation omitted).

“[A] motion to alter or amend the judgment under Rule 59(e) ‘must clearly establish either a manifest error of law or fact or must present newly discovered evidence’ and ‘cannot be used to raise arguments which could, and should, have been made before the judgment issued.’” *Rosenzweig v. Azurix Corp.*, 332 F.3d 854, 863-864 (5th Cir. 2003)(citing *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990)). “A Rule 59(e) motion may not be used to relitigate issues that were resolved to the movant’s dissatisfaction.” *Glass v. United States*, Np. 3:00-cv-1543, 2004 WL 2189634 *1 (N.D. Tex. 2004)(citing *Forsythe v. Saudi Arabian Airlines Corp.*, 885 F.2d 285, 289 (5th Cir. 1989)). “District courts have ‘considerable discretion in deciding whether to grant or deny a motion to alter a judgment.’” *Id.*(citing *Hale v. Townley*, 45 F.3d 914, 921 (5th Cir. 1995)). “In exercising this discretion, a district court must ‘strike the proper balance between the need for finality and the need to render just decisions on the basis of all the facts.’” *Id.*

Plaintiff is seeking a reconsideration of this Court’s prior order granting the Defendant’s motion to dismiss. The Court is not inclined to reconsider its prior ruling. Plaintiff merely repeats the same arguments that he previously made. Having reviewed the arguments presented, the Court finds that the Plaintiff did not establish that the Court committed any manifest errors of law in its prior decision. Further, the Court determined that Plaintiff does not have a private right of action, making dismissal of this case for lack of subject matter jurisdiction the proper result.

It is, therefore, **ORDERED** that the Plaintiff's Original Motion for Reconsideration (Dkt. #48) is **DENIED**. All other relief not specifically granted is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED this 19th day of April, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE