



Guillermo Aldaco

2011 | Cited 0 times | D. Minnesota | April 27, 2011

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION AND MOTION FOR LEAVE TO JOHN AMEND COMPLAINT

On March 7, 2011, the Court adopted the January 7, 2011 Report and Recommendation of United States Magistrate Judge Leo I. Brisbois (Docket No. 45.) and dismissed plaintiff Guillermo Aldaco, Jr.'s complaint. Aldaco has now moved the Court for reconsideration and for leave to amend his complaint. Specifically, Aldaco asserts that he was unaware of the pleading standard articulated by the United States Supreme Court in cases such as *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), and that if given the opportunity to amend his complaint he would meet that standard.

The Court may grant a motion for reconsideration, however, "only upon a showing of compelling circumstances." D. Minn. L.R. 7.1(h).¹ "Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . [A] motion for reconsideration [may not] serve as the occasion to tender new legal theories for the first time." *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 413, 414 (8th Cir. 1988) (internal quotation marks omitted). Such circumstances are not present here. Moreover, despite numerous opportunities, Aldaco has continuously failed to proffer sufficient allegations to support the claims asserted in his complaint. The Court finds no reason to reopen judgment and permit Aldaco the opportunity to file an amended complaint at this stage.

ORDER

Based on the foregoing, and the records, files, and proceedings herein, Aldaco's Motion for Reconsideration and Motion for Leave to Amend Complaint [Docket No. 48] is DENIED.

1. Pursuant to this rule, Aldaco was also required to request the Court's permission to file a motion for reconsideration in a letter not exceeding two pages.

