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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-00573-1 JSW

Plaintiff,

**ORDER RE DEFENDANT'S
MOTION FOR LEAVE TO FILE A
MOTION FOR
RECONSIDERATION**

v.

WALTER LIEW,

Defendant.

On April 3, 2013, Defendant filed a motion for leave to file a motion for reconsideration of this Court's Order granting the Government's motion to revoke the Release Order. As the Court stated in that Order, the Court's ruling was not intended to preclude Mr. Liew from filing a further motion for pretrial release.

Under the Northern District *Civil* Local Rules, a motion for reconsideration may be made on one of three grounds: (1) a material difference in fact or law exists from that which was presented to the Court, which, in the exercise of reasonable diligence, the party applying for reconsideration did not know at the time of the order; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments presented before entry of judgment. N.D. Civ. L.R. 7-9(b)(1)-(3). The moving party may not reargue any written or oral argument previously asserted to the Court. *Id.*, 7-9(c).

Although the Criminal Local Rules do not contain a specific rule governing motions for reconsideration, the Ninth Circuit has held that a district court may reconsider prior rulings, so long as it has jurisdiction over the case. *See, e.g., United States v. Smith*, 398 F.3d 944, 948

1 (9th Cir. 2004); *United States v. Suibin Zhang*, 2011 WL 4954152, at *1 (N.D. Cal. Oct. 18,
2 2011). However, as the *Zhang* court noted, reconsideration is to be used sparingly.

3 Although Defendant suggests he may bring to the Court’s attention the emergence of
4 new material facts, he does not explain what those facts are, nor why they are “new.” The
5 Court concludes that Defendant has not shown that a motion for reconsideration is warranted in
6 this case. However, as the Court previously stated, the Order granting the Government’s
7 motion to revoke the release order should not be construed as precluding him from filing a
8 further motion for pretrial release and, if all parties agree and if Magistrate Judge Cousins
9 consents, the Court will consider such a motion in the first instance.

10 **IT IS SO ORDERED.**

11 Dated: April 8, 2013

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14 JEFFREY S. WHITE
15 UNITED STATES DISTRICT JUDGE

16 cc: Magistrate Judge Nathanael Cousins
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