

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ANDRO REY HERRERA-MENDOZA, :  
 :  
 Plaintiff, :  
 :  
 v. :  
 : CASE NO. 3:05CV1195 (RNC)  
 EMILY BYRNE and JOSEPH L. :  
 GEGENY, :  
 :  
 Defendants. :  
 :

**ORDER ON MOTION TO RECONSIDER/ VACATE SANCTIONS**

By order dated September 29, 2006, the court imposed sanctions upon the plaintiff for failure to provide notice to the defendants of a third-party subpoena he had issued (doc. #172). The court awarded the defendants the costs of their Motion for Sanctions. The plaintiff now moves for reconsideration of that order.

In support of his motion, the plaintiff submits a subpoena dated October 13, 2005 and a fax confirmation page which, he claims, are evidence that he did in fact give the defendants proper notice of the subpoena. These documents were not attached to plaintiff's briefs regarding the Motion for Sanctions.

The standard for granting a motion for reconsideration under Fed. R. Civ. P. 59(e) is "strict." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). "The only permissible grounds on which to grant a motion for reconsideration are: (1) an intervening change in the law; (2) the availability of new

evidence *not previously available*; or (3) the need to correct a clear error of law or prevent manifest injustice.” Martin v. Dupont Flooring Sys., 3:01 CV 2189(SRU), 2004 U.S. Dist. LEXIS 9373, \*3 (D. Conn. May 25, 2004) (internal citations omitted) (emphasis added).

The documents provided by plaintiff now for the first time are not new evidence justifying reconsideration, because they were previously available to him. The plaintiff also has not provided evidence of financial hardship such as to render the sanctions a manifest injustice. The plaintiff therefore has not established grounds for the court to reconsider its prior order.

For the foregoing reasons, the plaintiff’s motion for reconsideration is denied.

SO ORDERED at Hartford, Connecticut this 21<sup>st</sup> day of November, 2006.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge