

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Gregory Viola,  
Plaintiff,

v.

United States of America,  
Defendant.

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CASE NO. 3:15-cv-1398 (VLB)

September 29, 2016

**RULING ON MOTION FOR RECONSIDERATION OF THE COURT’S DENIAL OF  
DEFENDANT’S MOTION FOR RECUSAL**

Plaintiff brought his Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence on September 22, 2015. On August 22, 2016, Plaintiff brought his Motion For The Court’s Recusal Pursuant To 28 U.S.C. § 455 And 28 U.S.C. § 144. [Dkt. No. 38]. The Court denied the motion on September 1, 2016. [Dkt. No. 39]. Plaintiff now moves for reconsideration of that denial. [Dkt. No. 40].

In the Second Circuit, the standard for granting a motion for reconsideration “is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked - matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995); *Wiseman v. Greene*, 204 F3d 393, 395 (2d Cir. 2000) (per curium). There are three grounds for granting motion for reconsideration: Intervening change in controlling law, the availability of newly discovered evidence or a need to correct a clear error or avoid manifest injustice *Virgin Atl. Airways Ltd. v. National Mediation Board*, 956 F2d. 1245, 1255 (2d Cir. 1992).

Here, Plaintiff has not pointed to any controlling decisions or data which would alter the conclusion reached by the Court in remanding this case, nor has he established any clear error or manifest injustice. Plaintiff's motion for reconsideration instead refers back to his original motion with no additional facts, law, or allegations of error. [Dkt. No. 40]. Accordingly, Plaintiff's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

/s/  
Vanessa L. Bryant  
United States District Judge

Dated at Hartford, Connecticut: September 29, 2016.