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8 NOT FOR CITATION
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 MICHAEL BLOMQUIST,
13 Plaintiff,
14 v.
15 WASHINGTON MUTUAL, et. al.,
16 Defendants.
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Case Number C 07-04108
ORDER¹DENYING MOTION TO
RECONSIDER PLAINTIFF'S
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS
[re: docket no. 20]

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20 On October 26, 2007, this Court denied Plaintiff's second amended application to
21 proceed *in forma pauperis*. Plaintiff filed a motion for reconsideration on November 13, 2007.
22 Plaintiff has not complied with Local Rule 7-9 which requires that a plaintiff seek leave to file a
23 motion for reconsideration. Moreover, Plaintiff's motion does not support leave to file for
24 reconsideration. Under Local Rule 7-9, a plaintiff seeking such leave must show:

- 25 (1) That at the time of the motion for leave, a material difference in fact or law
26 exists from that which was presented to the Court before entry of the interlocutory
order for which reconsideration is sought. The party also must show that in the

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28 ¹ This disposition is not designated for publication and may not be cited.

1 exercise of reasonable diligence the party applying for reconsideration did not
2 know such fact or law at the time of the interlocutory order; or

3 (2) The emergence of new material facts or a change of law occurring after the
4 time of such order; or

5 (3) A manifest failure by the Court to consider material facts or dispositive legal
6 arguments which were presented to the Court before such interlocutory order.

7 Civ. L. R. 7-9(b). Plaintiff does not identify any new material facts or dispositive legal
8 arguments which this Court previously failed to consider. Instead, Plaintiff for the first time
9 directs the Court's attention to his credit report. The facts contained in Plaintiff's credit report
10 were available at the time that he filed his three prior applications and easily could have been
11 discovered had Plaintiff exercised reasonable diligence.² Plaintiff has a gross income of
12 \$4,583.33 and assets valued at \$10,000. As the Court found in its October 26 motion, it would
13 appear that Plaintiff is able to pay the relatively modest filing fee necessary to pursue this action.
14 Accordingly, the Court will not grant Plaintiff leave to file for reconsideration.

15 Good cause therefor appearing, IT IS HEREBY ORDERED that the motion to reconsider
16 Plaintiff's application to proceed *in forma pauperis* is DENIED.

17 DATED: November 20, 2007.

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20 JEREMY FOGEL
United States District Judge

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27 ² Plaintiff makes no argument that, acting with reasonable diligence, he could not
28 previously have discovered the facts contained in his credit report, or even that he was unaware
of these facts at the time that he filed his three prior applications.

1 This Order has been served upon the following persons:

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3 Micahel Blomquist michaelblomquist@yahoo.com

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