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CLERK, U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA	
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1 WRITTEN DECISION - NOT FOR PUBLICATION

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re:)	CASE NO. 02-09721-H7
)	[Jointly Administered with
COMMERCIAL MONEY CENTER, INC.)	Case No. CASE NO. 02-09720-H7]
AND COMMERCIAL SERVICING)	
CORPORATION,)	ORDER DENYING CLAIMANT'S
)	MOTION FOR RECONSIDERATION
Debtor.)	

15 John Trevino Espinoza, pro se, submitted a Motion for
16 Reconsideration of the Order sustaining the Chapter 7 Trustee's
17 objection to his proof of claim. Pursuant to this Court's internal
18 practice and procedure, the Court reviews a motion for
19 reconsideration on the merits before authorizing a scheduled
20 hearing. The Court has reviewed Espinoza's motion and finds it
21 inappropriate to set a hearing.

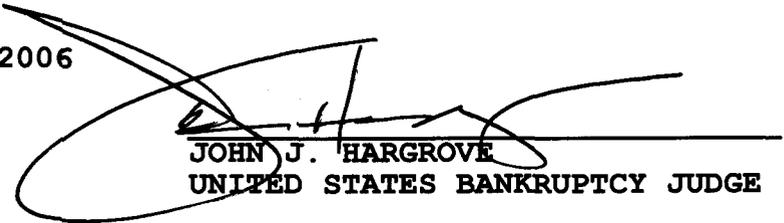
22 Espinoza relies on Federal Rule Bankruptcy Procedure 9024
23 which incorporates Federal Rule Civil Procedure 60. Espinoza
24 contends the Court should reconsider its prior ruling because of
25 newly discovered evidence. [FRCP 60(b)(2)]. Under Rule 60(b)(2),
26 "the movant must show the evidence (1) existed at the time of the
27 trial, (2) could not have been discovered through due diligence,
28 and (3) was 'of such magnitude that production of it earlier would

1 have been likely to change the disposition of the case.'" Jones v.
2 Aero/Chem Corp., 921 F.2d 875 (9th Cir. 1990) (citation omitted).

3 After a careful review of the motion, the Court concludes that
4 Espinoza has not discovered any new evidence. Espinoza simply
5 makes the same, or substantially the same, arguments in his motion
6 for reconsideration that he made in his pleadings filed in
7 opposition to the Trustee's objection to his claim. Because there
8 are no grounds for reconsideration of this Court's prior ruling, it
9 is inappropriate to make the Chapter 7 Trustee bear the cost of a
10 response and a hearing. No hearing will be held and the motion is
11 denied.

12 IT IS SO ORDERED.

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14 Dated: February 22, 2006


15 JOHN J. HARGROVE
16 UNITED STATES BANKRUPTCY JUDGE

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