



**IT IS ORDERED as set forth below:**

**Date: September 24, 2015**

*Mary Grace Diehl*

Mary Grace Diehl  
U.S. Bankruptcy Court Judge

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re:	:	BANKRUPTCY CASE NO:
	:	
<b>JOHN BRIERE SAINT-FELIX,</b>	:	<b>15-50596-MGD</b>
	:	
Debtor.	:	CHAPTER 7
	:	
<b>BAYVIEW LOAN SERVICING, LLC ,</b>	:	
	:	
Plaintiff,	:	
	:	
v.	:	ADVERSARY PROCEEDING NO:
	:	
<b>JOHN BRIERE SAINT-FELIX,</b>	:	<b>15-5011</b>
	:	
Defendant.	:	

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**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION**

Before the Court is Debtor John Briere Saint-Felix's Motion to Reconsider (Doc. 13), requesting the Court reconsider its Order Dismissing Debtor's Counterclaims and Remanding the case back to the Magistrate Court of Clayton County, Georgia (Doc. 10). In his Motion, Debtor

seeks to relitigate issues the Court already decided and therefore the Motion to Reconsider is denied.

## **I. Background**

Debtor, who is acting *pro se*, filed his voluntary Chapter 13 Petition on January 9, 2015 (Bankr. Doc. 1).<sup>1</sup> On the same day, Debtor removed a Dispossession Action against him in the Magistrate Court of Clayton County, Georgia to this Court (Doc. 1). On April 4, 2015, Debtor's Chapter 7 case was discharged based on the Trustee's Report of No Distribution (Doc. 35). The Court, in an Order entered on September 4, 2015, dismissed Debtor's counterclaims without prejudice, and remanded the case back to the Magistrate Court of Clayton County (Doc. 10). Debtor filed the present Motion for Reconsideration on September 15, 2015 (Doc. 13), 11 days later.

## **II. Discussion**

Rule 59 of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding under Rule 9023 of the Federal Rules of Bankruptcy Procedure, governs a motion for reconsideration of an order. A motion under Rule 9023 must be filed 14 days after the date of entry of judgment. Motions for reconsideration cannot be used to relitigate issues previously decided. *In re Hollowell*, 242 B.R. 541, 542-43 (Bankr. N.D. Ga. 1999). A motion for reconsideration serves the limited function of correcting manifest errors of law or fact, *In re Ionosphere Clubs, Inc.*, 103 B.R. 501, 503 (Bankr. S.D.N.Y. 1989), and should not be used to raise arguments which could have been raised before the subject judgment was issued. *O'Neal v. Kennamer*, 958 F.2d 1044, 1047 (11th Cir. 1992). "Reconsideration is only absolutely necessary where there is: (1) newly discovered evidence; (2) an intervening development or change in

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<sup>1</sup> The case was later converted to Chapter 7 on February, 27, 2015 (Bankr. Doc. 15).

controlling law; or (3) a need to correct a clear error of law or fact.” *Bryan v. Murphy*, 246 F.Supp 1256, 1258-59 (N.D. Ga. 2003) (internal quotations omitted) (citing *Jersawitz v. People TV*, 71 F.Supp.2d 1330 (N.D. Ga. 1999)); *Paper Recycling, Inc. v. Amoco Oil Co.*, 856 F. Supp. 671, 678 (N.D. Ga. 1993)).

Debtor’s Motion for Reconsideration, while timely, fails to meet the standard necessary for reconsideration. Debtor’s Motion does not offer any new facts or changes in the law, nor does it show a clear error of fact or law. Debtor’s assertions of subject matter jurisdiction and fraud before the Court are substantially the same as arguments set forth in his previous filings. Absent new findings, changes in law, or clear error of factor or law, the Court finds that reconsideration is not proper. Accordingly, it is

**ORDERED** that Debtor’s Motion for Reconsideration (Doc. 13) is **DENIED**.

It is **FURTHER ORDERED** that Debtor’s request for a hearing on the Motion for Reconsideration (Doc. 12) is **DENIED AS MOOT**.

The Clerk is directed to serve a copy of this Order on Jean B. St. Felix, Bayview Loan Servicing, LLC and Counsel for Bayview Loan Servicing, LLC.

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