

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID ANDREW BARDES,

Plaintiff,

v.

GEORGE WALKER BUSH, *et al.*,

Defendant.

Case No. 1:22-cv-290

JUDGE DOUGLAS R. COLE

Magistrate Judge Bowman

**ORDER**

David Bardes asks the Court to reconsider its earlier opinion and order dismissing his case. For the following reasons, the Court **DENIES** Bardes's Motion to Reconsider (Doc. 35).

Bardes is suing the Defendants for allegedly retaliating against him because of his research and writings about cold cell torture. (*See generally* Compl., Doc. 1). Because his Complaint is legally and factually frivolous, the Court dismissed it sua sponte. (*See generally* Mar. 6, 2023 Order, Doc. 33). Now, Bardes asks the Court to reconsider, alleging that the Court colluded against him by meeting with defendants on his website. (*See generally* Mot. Reconsider, Doc. 35). He attempts to substantiate this with web logs. Based on this "evidence," he says, "the law require[s] this crooked judge be fired [and] also prosecuted and imprisoned." (*Id.* at #805). So he asks the Court: "Before the law catches up with Judge Douglas R. Cole, would the court care to reconsider their order of dismissal, and start over again on my objections?" (*Id.*). The short answer is no.

The slightly longer answer starts with this observation from another court in this District:

The Federal Rules do not expressly provide for “Motions to Reconsider.” *Rodriguez v. Tennessee Laborers Health & Welfare Fund*, 89 Fed. App’x 949, 959 (6th Cir. 2004). Nevertheless, “[d]istrict courts have authority both under common law and [Federal Rule of Civil Procedure] 54(b) to reconsider interlocutory orders and to reopen any part of a case before entry of final judgment.” *Id.* Motions for reconsideration serve a limited function.

Generally, a motion for reconsideration is only warranted when there is: (1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice. *Id.* Motions for reconsideration are not intended to re-litigate issues previously considered by the Court or to present evidence that could have been raised earlier. *See J.P. v. Taft*, No. C2–04–692, 2006 WL 689091, at \*13 (S.D.Ohio Mar. 15, 2006).

*Ne. Ohio Coal. for Homeless v. Brunner*, 652 F. Supp. 2d 871, 877 (S.D. Ohio 2009), *modified on reconsideration sub nom.* No. C2-06-896, 2009 WL 10663619 (S.D. Ohio July 30, 2009).

Here, the Court already entered final judgment. And regardless, there is no change in controlling law, nor new evidence relevant to his claims, nor clear error that Bardes identifies.

**1. Changes in controlling law.**

Bardes cites no changes in law that could affect this case.

**2. New evidence.**

Bardes offers unverified evidence showing that this Court or an employee of this Court visited his websites. That evidence does nothing to advance his claims, though, for several reasons. First, accepting this log as true, it does not support his theory that this “indicat[es] a joint meeting [between the Court and] Bill Gates, Larry

Page, the CIA, and someone in Washington State (perhaps a lawyer of Gates/Microsoft?),” designed to pursue a “plot[] against [his] websites.” (Doc. 35, #803–04). Multiple people from various IP addresses visiting a website does not indicate a “meeting” among those people. Nothing beyond his wild speculation suggests that anything sinister occurred. Indeed, given that much of his suit, and his recently filed appeal, refer at length to his website, it perhaps would be odd if the Court or its employees had *not* visited it.

More to the point, none of this has any bearing on the issues the Court considered in its dismissal order. There, the Court analyzed the factual and legal frivolousness of the Complaint, the Magistrate Judge’s R&R recommending dismissal, and Bardes’s objections. Recall that “[m]otions for reconsideration are not intended to re-litigate issues previously considered by the Court.” *Brunner*, 652 F. Supp. 2d at 877 (citing *Taft*, 2006 WL 689091, at \*13). But by asking the Court if it would “care to reconsider their order of dismissal, and start over again on [his] objections,” that is exactly what he asks the Court to do. (Doc. 35, #805).

### **3. Clear error and manifest injustice**

Bardes makes no legal argument in his motion. While he clearly disagrees with the dismissal, he does not point out any clear error in the Court’s analysis. To be fair, he seems to suggest manifest injustice—that the Court apparently conspired with the defendants to “plot[] against [his] websites.” (*Id.* at #803–04). But, like the facts of his Complaint, these accusations resemble other cases where the courts found the facts frivolous. (*See* Doc. 33, #798 (collecting cases)). In short, his unsupported

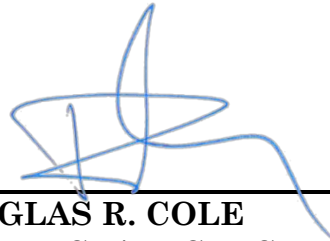
speculations about an alleged meeting between the Court and the defendants, predicated solely on his claim that both the Court and those defendants visited Bardes's website, "stand genuinely outside the common experience of humankind." (Doc 28, #337 (citing *Robinson v. Love*, 155 F.R.D. 535, 535 (E.D. Pa. 1994))). As the Court observed in its initial opinion, extraordinary claims require extraordinary evidence. (Doc. 33, #783). Bardes has supplied none here. And that means that the allegations in his motion do not provide any basis for reconsideration.

Accordingly, the Court **DENIES** Bardes's Motion to Reconsider (Doc. 35).

**SO ORDERED.**

April 17, 2023

DATE



DOUGLAS R. COLE

UNITED STATES DISTRICT JUDGE