

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LYNDON H. LAROUCHE, Jr.,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
)
Defendant.)
_____)

Civil Action No. 90-2753 (RCL)

FILED

JUL 23 2003

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

MEMORANDUM AND ORDER

This matter comes before the Court on cross-motions by the parties to reconsider this Court’s memorandum opinion dated March 31, 2003. Upon consideration of the parties’ motions, the opposition and reply briefs filed thereto, and the applicable law in this case, and after reviewing the twenty-seven documents in camera, the Court finds that defendant’s motion should be granted in part and denied in part and that plaintiff’s motion should be denied.

“District courts have broad discretion to grant or deny a motion for reconsideration. The court may invoke its discretion and deny such a motion unless it finds an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or manifest injustice.” Cobell v. Norton, 213 F.R.D. 33, 34 (D.D.C. 2003). In his motion for reconsideration, plaintiff asks that the Court enter an order amending a memorandum and order entered in this case on June 25, 1993 by Judge Harold Greene. In support of this request, plaintiff neither directs this Court neither to an intervening change in controlling law nor demonstrates a need to correct a clear error or manifest injustice. Instead, plaintiff asserts that

“the specific relief ordered by Judge Greene is more burdensome to the Government than the circumstances require.” Plaintiff’s concern about burdening the federal government is touching but unconvincing, in light of the massive burdens inflicted upon the government by his thirteen-year FOIA suit. Additionally, plaintiff informs this Court that “new evidence” mandates reconsideration of Judge Green’s decade-old ruling. However, by plaintiff’s own admission, he became aware of this “new evidence” in 1994. Nevertheless, plaintiff has enlisted his paralegal, George Canning, to provide this Court with yet another affidavit in this case. In his seventh affidavit, which is dated April 11, 2003, Canning informs this Court that although he “read [the document in question] relatively shortly after the IRS released it [in February of 1994], . . . a review which [he] conducted several days ago of [his] various notes and memos, indicates that [he] did not appreciate the significance of the document until re-reading it in the early months of 2001.” It is difficult for this Court to understand precisely why Canning’s “failure to appreciate the significance of the document” when he read it nine and a half years ago justifies plaintiff’s failure to bring the document to the Court’s attention at the time that it was discovered, or even two years ago, when the scales purportedly fell from Canning’s eyes and he finally “appreciate[d] the significance” of the document. Therefore, plaintiff’s motion will be denied.

It is difficult to imagine a better way to waste the limited resources of a court than for a party to ask it to return to issues that the party litigated and lost ten years earlier. The Court was finally able to lay this thirteen-year-old case to rest in March of this year, and absent the most extraordinary of circumstances, has absolutely no intention of resurrecting it. Accordingly, it is hereby

ORDERED that plaintiff’s motion for reconsideration [195-1] be, and hereby is,

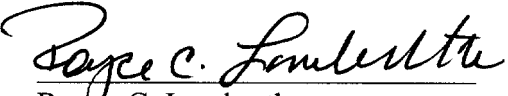
DENIED. It is further

ORDERED that defendant's motion to alter or amend this Court's memorandum and order dated March 31, 2003 [196-1] be, and hereby is, DENIED. It is further

ORDERED that defendant's motion to clarify this Court's memorandum and order dated March 31, 2003 [196-2] be, and hereby is, GRANTED. In LaRouche v. IRS, civil action number 91-1655, this Court permitted the Department of the Treasury to withhold the two IRS documents referred to as the Special Agent's Report ("SAR") and the Criminal Reference Letter ("CRL") in their entirety. See Mem. Op. dated Aug. 29, 2000 ("However, a review of the Vaughn Index in LaRouche v. Justice and the instant case indicates that the SAR and CRL are covered in their entirety by Exemption 3 in connection with Federal Rule of Criminal Procedure. . . . Accordingly, Treasury may withhold both the SAR and CRL in their entirety."). Plaintiff is collaterally estopped from challenging this determination in the present case. Therefore, the Court finds that the SAR and CRL are exempt in their entirety pursuant to FOIA Exemption 3, and that defendant is not required to produce those documents in this case.

SO ORDERED.

Date: 7-22-03


Royde C. Lamberth
United States District Judge