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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1329

MICHAEL D'ANTONIO,
Appellant

v.

BOROUGH OF ALLENDALE; STILES THOMAS; JOHN ALBOHM; DAVID BOLE, ESQ.; DAVID T. PFUND, ESQ.; MARY C. MCDONNELL, ESQ.; LOUIS CAPAZZI; PASSAIC RIVER COALITION; BERGEN COUNTY SHERIFFS DEPARTMENT; THOMAS P. MONAHAN, ESQ.; RICHARD A. EPSTEIN

(D.C. Civil Action No. 2-16-cv-00816)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, AMBRO**, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, RENDELL, and FUENTES* Circuit Judges

The Petition for Rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the

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* Pursuant to Third Circuit I.O.P. 9.5.3., the votes of Judge Rendell and Judge Fuentes are limited to panel rehearing only.
** Judge Ambro assumed senior status on February 6, 2023.

ADDENDA "A"
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circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

By the Court,

s/ MARJORIE O. RENDELL
Circuit Judge

Dated: February 9, 2023
PDB/cc: Michael D'Antonio
All Counsel of Record

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1329

MICHAEL D'ANTONIO,
Appellant

v.

BOROUGH OF ALLENDALE; STILES THOMAS; JOHN ALBOHM; DAVID BOLE, ESQ.; DAVID T. PFUND, ESQ.; MARY C. MCDONNELL, ESQ.; LOUIS CAPAZZI; PASSAIC RIVER COALITION; BERGEN COUNTY SHERIFFS DEPARTMENT; THOMAS P. MONAHAN, ESQ.; RICHARD A. EPSTEIN

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:16-cv-00816)
District Judge: Honorable Claire C. Cecchi

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 11, 2022
Before: RESTREPO, RENDELL, and FUENTES, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a) on October 11, 2022. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgments of the District Court entered March 31, 2021, and January 31, 2022, be and the same are hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

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2 PAGES

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: October 19, 2022

Cost taxed in favor of Appellee as follows:

Brief.....$198.69

Total.....$198.69

Certified as a true copy and issued in lieu of a formal mandate on February 17, 2023

Teste: Patricia A Dodszuweit

Clerk, U.S. Court of Appeals for the Third Circuit

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1329

MICHAEL D'ANTONIO,
Appellant

v.

BOROUGH OF ALLENDALE; STILES THOMAS; JOHN ALBOHM; DAVID BOLE, ESQ.; DAVID T. PFUND, ESQ.; MARY C. MCDONNELL, ESQ.; LOUIS CAPAZZI; PASSAIC RIVER COALITION; BERGEN COUNTY SHERIFFS DEPARTMENT; THOMAS P. MONAHAN, ESQ.; RICHARD A. EPSTEIN

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Before: RESTREPO, RENDELL, and FUENTES, Circuit Judges

(Opinion filed: October 19, 2022)

OPINION*

PER CURIAM

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* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

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Michael D'Antonio appeals from orders of the United States District Court for the District of New Jersey granting the defendants' motions to dismiss, and denying his request for reconsideration, in a civil action challenging alleged interference with the use and development of property in Allendale, New Jersey. For the reasons that follow, we will affirm.

The property, located at 316 East Allendale Avenue, was owned by Calm Development, Inc. (Calm) from 1997 until 2013, when, following a foreclosure action, it was sold at a sheriff's sale. Although D'Antonio was a director of Calm and resided on the property, he did not maintain an ownership interest in it when the alleged interference occurred. Nevertheless, before D'Antonio filed the underlying civil action, he and Calm were parties to several several state court lawsuits pertaining to the property.

Following the failure to achieve relief in those lawsuits, D'Antonio filed in the District Court a complaint, claiming that the Borough of Allendale and others took various actions to thwart his plans to build homes on the property. The District Court dismissed that complaint – as well as a second amended complaint filed with the assistance of counsel – without prejudice for lack of standing and invited D'Antonio to file amended complaints. (ECF 80 & 81; 259.) In the order dismissing the second amended complaint, the District Court directed D'Antonio to file "an amended complaint (to be titled the 'Third Amended Complaint') that specifically alleges why [he] has standing to bring claims related to the Subject Property if he was not the owner of the

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Subject Property[.]" (ECF 259, at 3.) The defendants filed motions to dismiss, which the District Court granted, stating that "[b]ecause [D'Antonio] has failed to plausibly allege that he, as opposed to Calm, ever maintained an actionable legal interest in the Subject Property during the Relevant Period, he cannot demonstrate any injury, let alone causation or redressability, and therefore lacks standing to bring his claims." (ECF 334, at 10.) The District Court further held that, even if D'Antonio had standing, res judicata precluded him from bringing claims that he had, or could have, litigated in state court and that, in any event, he failed to state a claim upon which relief could be granted. (Id.) D'Antonio timely filed a motion for reconsideration. (ECF 336.) The District Court denied that motion. (ECF 348 & 349.) D'Antonio next filed a notice of appeal, identifying the orders dismissing his third amended complaint and denying his motion for reconsideration.[1] (ECF 350.)

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291, and our review of a dismissal for a lack of standing is plenary. Goode v. City of Philadelphia, 539 F.3d 311, 316 (3d Cir. 2008). Under Federal Rule of Civil Procedure 12(b)(1), a court must grant a motion to dismiss if it lacks subject-matter jurisdiction to hear a claim.

[1] D'Antonio's notice of appeal also listed several additional orders, including the orders dismissing his earlier complaints and an order denying an application for appointment of counsel. To the extent that those orders that might have been drawn in by the dismissal of his third amended complaint, see Sulima v. Tobyhanna Army Depot, 602 F.3d 177, 184 (3d Cir. 2010), he has forfeited any challenge by not addressing those orders in his opening brief. See M.S. ex rel. Hall v. Susquehanna Twp. Sch. Dist., 969 F.3d 120, 124 n.2 (3d Cir. 2020) (holding that claims were forfeited where appellant failed to raise them

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See Ballentine v. United States, 486 F.3d 806, 810 (3d Cir. 2007) (stating that "[a] motion to dismiss for want of standing is ... properly brought pursuant to Rule 12(b)(1), because standing is a jurisdictional matter"). Because the defendants alleged that D'Antonio's third amended complaint lacked sufficient factual allegations to establish standing, those motions are properly understood as facial attacks. See Mortensen v. First Fed. Sav. & Loan Ass'n, 549 F.2d 884, 891 (3d Cir. 1977). In considering such an attack, "the court must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff." Gould Elecs. Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000).

Article III of the Constitution limits the power of the federal judiciary to the resolution of cases and controversies. U.S. Const. art. III, § 2. "That case-or-controversy requirement is satisfied only where a plaintiff has standing." Sprint Commc'ns Co.. L.P. v. APCC Servs., Inc., 554 U.S. 269, 273 (2008). To establish Article III standing, a plaintiff must demonstrate: "(1) . . . an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." Cottrell v. Alcon Labs., 874 F.3d 154, 162 (3d Cir. 2017) (quoting Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016)). Here, the injury-in-fact element is determinative, as it often is. Toll Bros.. Inc. v. Twp. of Readington, 555 F.3d 131, 138 (3d Cir. 2009) (citations omitted). For there to be an injury-in-fact, a plaintiff must claim

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in her opening brief).

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"the invasion of a concrete and particularized legally protected interest" resulting in harm "that is actual or imminent, not conjectural or hypothetical." Blunt v. Lower Merion Sch. Dist., 767 F.3d 247, 278 (3d Cir. 2014) (citing Lujan v. Defs. of Wildlife, 504 U.S. 555, 561 (1992)).

Applying these concepts to the facts of this case, we agree with the District Court that D'Antonio's attempts to establish standing are unavailing.[2] According to the third amended complaint, the property was owned by Calm, not D'Antonio, when the alleged interference occurred. And there is no indication in the third amended complaint or D'Antonio's subsequent submissions that he had some other interest in the property that was sufficient to establish standing. Cf. Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 262-63 (1977) (stating that "economic injury is not the only kind of injury that can support a plaintiff's standing"). D'Antonio alleged that he invested money in Calm. But an individual lacks standing to bring a claim for damages suffered by a corporation, even if the individual faces the risk of financial loss as a result of injuries to the corporation. See Jones v. Niagara Frontier Transp. Auth., 836 F.2d 731, 736 (2d Cir. 1987) (explaining that "[a] shareholder—even the sole shareholder—does

[2] We also conclude, for essentially the same reasons as the District Court, that the defendants' motions to dismiss adequately demonstrated that D'Antonio's claims are barred by res judicata because they were, or could have been, litigated in prior state court proceedings. See United States v. Athlone Indus., Inc., 746 F.2d 977, 983 (3d Cir. 1984); see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 293 (2005) (recognizing that "a federal court may be bound to recognize the claim- and issue-preclusive effects of a state-court judgment").

not have standing to assert claims alleging wrongs to the corporation"). Moreover, D'Antonio's role as Calm's director does not by itself establish standing. Cf. Pitchford v. PEPI, Inc., 531 F.2d 92, 97 (3d Cir. 1975) (holding that plaintiff, the shareholder and officer of a corporation, lacked standing to file an antitrust action where "[t]here [was] no proof that any of the restraints were directed against [plaintiff] individually as a shareholder or as an officer" of the businesses).

In addition, D'Antonio's vague and unsupported assertion that the Borough of Allendale "purchased an insurance policy in [his] name alone" does not establish that he suffered an injury. See In re Horizon Healthcare Servs. Inc. Data Breach Litig., 846 F.3d 625, 633 (3d Cir. 2017) (noting "threadbare recitals of the elements of standing, supported by mere conclusory statements" are "disregard[ed]" at the motion to dismiss stage (internal citation omitted)). D'Antonio also attempted to establish standing for himself by claiming that Calm ceased functioning as a corporation when it failed to pay corporate filing fees to New Jersey. As the District Court properly concluded, however, even if Calm dissolved, it could still "sue and be sued in its corporate name and process may issue by and against the corporation in the same manner as if dissolution had not occurred." N.J. Stat. Ann. § 14A:12-9(2)(e). And there is no merit to D'Antonio's assertion that the District Court "granted" him standing when it reopened the case and allowed him to proceed pro se. The decisions related to reopening and D'Antonio's pro se status were independent of the standing issue.

D'Antonio also suggested that he had standing because he was named as a defendant in a foreclosure action that was brought by a mortgage company. But, under New Jersey law, "even a party who has no title interest in the subject property is a proper party in a foreclosure action, and a necessary party if there is any intention to pursue a deficiency judgment against that party." River Edge Sav. & Loan Ass'n v. Clubhouse Assocs., Inc., 428 A.2d 544, 547 (N.J. Super. Ct. App. Div. 1981). Therefore, the fact that D'Antonio was named as a defendant in the foreclosure action – presumably because he signed the mortgage note, see N.J. Stat. Ann. § 2A:50-2 – does not establish that he suffered an injury sufficient to confer standing.

D'Antonio further argued that he had standing because he "held a lease" to reside on the property and was evicted following the sheriff's sale. Although eviction may constitute an injury-in-fact, see Yesler Terrace Cmty. Council v. Cisneros, 37 F.3d 442, 446-47 (9th Cir. 1994), D'Antonio's claim is not plausible. In particular, he did not have a valid lease, as evidenced by the New Jersey Superior Court's denial of his motion to stay the eviction. In the decision denying D'Antonio's stay motion, the Superior Court concluded that the lease he provided was a "sham" and that he previously had admitted in deposition that "there is no lease."[3] (ECF 301, at 66 of 104.) Consequently, in the

[3] The Superior Court's decision was attached to one of the defendants' motion to dismiss the third amended complaint. In relying on the facts from that state court decision, not just its existence, the District Court should have converted the motion to dismiss into a motion for summary judgment. See Hancock Indus. v. Schaeffer, 811 F.2d 225, 229 (3d Cir. 1987). Any error, however, is harmless, as there is no set of facts on which

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absence of a "leasehold interest" or "lawful tenancy rights," D'Antonio lacked standing. Ruiz v. New Garden Twp., 376 F.3d 203, 212 n.16 (3d Cir. 2004).

Finally, we note that D'Antonio's brief does not meaningfully contest the District Court's denial of his motion for reconsideration. Therefore, any challenge to that decision is forfeited. See In re Wettach, 811 F.3d 99, 115 (3d Cir. 2016). In any event, the District Court did not abuse its discretion in denying the motion for reconsideration, see Max's Seafood Café v. Quinteros, 176 F.3d 669, 673 (3d Cir. 1999), which improperly attempted to relitigate issues that the District Court had already considered. See Blystone v. Horn, 664 F.3d 397, 415 (3d Cir. 2011) (explaining that "[t]he scope of a motion for reconsideration . . . is extremely limited" and may not "be used as an opportunity to relitigate the case.").

For the foregoing reasons, we will affirm.[4]

D'Antonio could possibly recover. Rose v. Bartle, 871 F.2d 331, 342 (3d Cir. 1989).

[4] To the extent that D'Antonio's "Request [for] Leave of the Court" (Doc. 50) seeks to strike portions of the Appellees' supplemental appendices, it is denied. D'Antonio's "Request [for] Leave of the Court to Deny Mr. Albohm's Submissions as Affidavits ..." (Doc. 63), which is construed in part as a motion for sanctions against Appellee Albohm, is denied. We grant appellant's "Request [for] leave of court to submit supplemental objection to Appellees' brief and appendices" (Doc. 65), and we have considered that document as Appellant's reply brief.

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NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL A. D'ANTONIO, Plaintiff, v. BOROUGH OF ALLENDALE, *et al.*, Defendants.	Civil Action No.: 16-816 **OPINION**

CECCHI, District Judge.

This matter comes before the Court by way of Plaintiff Michael A. D'Antonio's ("Plaintiff" or "D'Antonio") motion for reconsideration. ECF No. 336. A number of defendants filed briefs in opposition to Plaintiff's motion. ECF Nos. 339–344. The Court has reviewed the submissions made in support of and in opposition to the instant motion (ECF Nos. 336, 339–347) and decides this matter without oral argument pursuant to Rule 78(b) of the Federal Rules of Civil Procedure. For the reasons set forth below, the Court denies Plaintiff's motion for reconsideration.

I. BACKGROUND

This case has a lengthy history, and a full recitation of the relevant facts is set forth in the Court's March 31, 2021 Opinion. *See* ECF No. 334. At its core, this case (and numerous prior state court lawsuits filed by Plaintiff) allege that defendants interfered with Plaintiff's use and development of a tract of land located in Allendale, New Jersey (the "Subject Property"), and ultimately evicted him from the Subject Property. Plaintiff maintains that he was improperly targeted by Allendale officials and various individuals because he was attempting to build affordable housing on the Subject Property, and he alleges a vast conspiracy to thwart his development efforts that culminated in his eviction in 2014.

On March 31, 2021, this Court issued an opinion (the "Opinion") and order granting

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defendants' motions to dismiss Plaintiff's Third Amended Complaint. ECF No. 334. The Court first held that Plaintiff lacked standing to bring his claims based on defendants' alleged interference with the Subject Property. Id. at 10–14. The Court so held because the Subject Property was owned by the Calm Corporation ("Calm")—an entity that Plaintiff helped set up and run—rather than Plaintiff himself, and the law is clear that a corporation must bring suit on its own behalf. Id. The Court also held that, even if Plaintiff did have standing, or to the extent that any of the claims alleged injuries distinct from those suffered by Calm, he was precluded from bringing claims that he had already fully litigated under the *Rooker-Feldman*, Entire Controversy, *Res Judicata*, and Collateral Estoppel Doctrines. Id. at 10 n.15, 14–19. Finally, the Court found that irrespective of standing and preclusion issues, the Third Amended Complaint failed to state any claim for relief pursuant to Federal Rules of Civil Procedure 8 and 9. Id. at 19–24. As Plaintiff had already been afforded multiple opportunities to amend his complaint, and had failed to rectify the deficiencies previously identified by the Court, the Third Amended Complaint was dismissed with prejudice. Id. at 24.

II. LEGAL STANDARD

"[R]econsideration is an extraordinary remedy, that is granted '*very sparingly.*'" *Brackett v. Ashcroft*, No. 03-3988, 2003 WL 22303078, at *2 (D.N.J. Oct. 7, 2003) (emphasis added) (citations omitted); *see also Fellenz v. Lombard Inv. Corp.*, 400 F. Supp. 2d 681, 683 (D.N.J. 2005). A motion for reconsideration "may not be used to relitigate old matters, nor to raise arguments or present evidence that could have been raised prior to the entry of judgment." *P. Schoenfeld Asset Mgmt., LLC v. Cendant Corp.*, 161 F. Supp. 2d 349, 352 (D.N.J. 2001). To prevail on a motion for reconsideration, the moving party must "set[] forth concisely the matter or

controlling decisions which the party believes the Judge or Magistrate Judge has overlooked." L. Civ. R. 7.1(i).

The Court will reconsider a prior order only where a different outcome is justified by: "(1) an intervening change in controlling law; (2) the availability of new evidence not available previously; or (3) the need to correct a clear error of law or prevent manifest injustice." *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995) (citations and brackets omitted). A court commits a clear error of law "only if the record cannot support the findings that led to that ruling." *ABS Brokerage Servs. v. Penson Fin. Servs., Inc.*, No. 09-4590, 2010 WL 3257992, at *6 (D.N.J. Aug. 16, 2010) (citing *United States v. Grape,* 549 F.3d 591, 603–04 (3d Cir. 2008)). "Thus, a party must . . . demonstrate that (1) the holdings on which it bases its request were without support in the record, or (2) would result in 'manifest injustice' if not addressed." *Id.* "Mere 'disagreement with the Court's decision' does not suffice." *Id.* (quoting *P. Schoenfeld*, 161 F. Supp. 2d at 353).

III. ANALYSIS

The Court finds that reconsideration of its March 31, 2021 Opinion is not warranted. While Plaintiff's arguments in his eleven-page, single-spaced brief are sometimes difficult to discern, this Court has attempted to address all of Plaintiff's issues. The Court has endeavored to distill Plaintiff's arguments as follows.

First, Plaintiff contends that by allowing Plaintiff to amend his pleadings previously, the Court found that Plaintiff stated claims for relief and that those findings are "Res Adjudicate." ECF No. 336 at 1–2. Second, Plaintiff contends that the Court "violated the Plaintiff's case by injecting defense mechanisms which were not presented by the individual Defendants." Id. at 2.

Third, Plaintiff contends that the Court "failed to deny each and every count of violations of Federal Laws as submitted in Plaintiff's Complaint with a Statement of Fact or Memorandum of Law." Id. Fourth, Plaintiff contends that the Court made a factual error in stating that defendants ultimately evicted him from the Subject Property, because only defendant Richard Epstein was responsible for evicting him. Id. at 3. Fifth, Plaintiff contends that the Court "states that any party who has a vested financial interest has a right of claim" and therefore the Opinion erred in finding Plaintiff lacks standing. Id. at 4–7. Sixth, Plaintiff argues that his claims under the Fair Housing Act, 42 U.S.C. § 3604 ("FHA"), the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961–1968, and other fraud statutes were adequately pleaded. Id. at 5, 10. Seventh, Plaintiff contends that he was improperly denied pro bono counsel and default judgment multiple times in this matter. Id. at 8. Eighth, Plaintiff contends that the Court has violated its duties to be impartial, to report federal crimes to the federal government, to promote confidence in the judiciary, to ensure litigants have a right to be heard, and to act diligently. Id. at 8–10. Ninth, Plaintiff contends that he did not submit Title VII claims to the Court and that the Court made a transcription error. Id. at 10. Finally, Plaintiff contends that amendment of the Third Amended Complaint would not be futile based on the arguments set forth in his brief for reconsideration. Id. at 10–11.

The Court finds Plaintiff's contentions unavailing and notes that the arguments presented are improper attempts to relitigate issues already considered by this Court. *See Oritani Sav. & Loan Ass'n v. Fid. & Deposit Co. of Maryland*, 744 F. Supp. 1311, 1314 (D.N.J. 1990) (citations and quotation marks omitted) ("A motion for reconsideration is improper when it is used to ask the Court to rethink what i[t] had already thought through—rightly or wrongly."). Nevertheless,

the Court will consider each of Plaintiff's arguments below. To the extent that any arguments are not specifically addressed below, the Court notes that it has considered them and finds that they do not warrant reconsideration.

Plaintiff's first argument appears to be based on a misunderstanding of this Court's prior holdings. When this Court previously granted Plaintiff leave to amend, it did not find that Plaintiff stated a claim for relief. Rather, it found that Plaintiff *failed* to state a claim for relief.

Plaintiff's second argument, that the Court improperly injected defenses into this case, is factually and legally incorrect. The Court ruled on the numerous defenses asserted by the defendants in their briefs (*see* ECF Nos. 265, 302, 308, and 324), and *sua sponte* addressed issues only to the extent required by law. *See, e.g.*, *Wayne Land & Mineral Grp., LLC v. Del. River Basin Comm'n*, 959 F.3d 569, 574 (3d Cir. 2020) (internal citations omitted) ("[O]ur continuing obligation to assure that we have [subject matter] jurisdiction requires that we raise the issue of standing sua sponte.").

Plaintiff's third argument that the Court failed to deny each and every count of the Third Amended Complaint is without merit. In fact, the Court found that the Third Amended Complaint was lacking in multiple respects, as the Court lacked standing to consider Plaintiff's claims, Plaintiff's claims were precluded, and Plaintiff failed to properly state a claim for relief.

Plaintiff's fourth argument that only defendant Richard Epstein evicted him does not actually appear to point out a factual error. Plaintiff himself alleged that defendants interfered with his use of the Subject Property, from which he was eventually evicted. *See* ECF No. 296 at 4 ("All these action[s] were created and enacted to threaten and intimidate Plaintiff to leave the property."); id. at 13 ("[A]ll of the Defendants knew or should have known that their actions

violated Federal laws and that it would cause financial harm to the plaintiff as well as to other developers in the area such as Jack Levin."). Even assuming Plaintiff's assertion is correct, he has not persuasively argued how this would alter the Court's decision to grant the motions to dismiss. *See ABS Brokerage Servs. v. Penson Fin. Servs., Inc.*, No. 09-4590, 2010 WL 3257992, at *6 (D.N.J. Aug. 16, 2010) (internal citations and quotation marks omitted) ("[A] party must do more than allege that portions of a ruling were erroneous in order to obtain reconsideration of that ruling; it must demonstrate that (1) the holdings on which it bases its request were without support in the record, or (2) would result in manifest injustice if not addressed. Mere disagreement with the Court's decision does not suffice.").

Fifth, Plaintiff argues that he has standing because he had a vested interest in the Subject Property and because Calm suffered losses in connection with the Subject Property. Those arguments were already rejected by this Court. *See* ECF No. 334 at 11 ("Plaintiff alleges that he invested at least $840,00 into Calm which was used to fund payments associated with the Subject Property during the Relevant Period."), id. at 11 (explaining that "a personal loss by virtue of losses incurred by the corporation" is insufficient on its own to confer standing upon Plaintiff) (citing *Grimm v. Borough of Norristown*, 226 F. Supp. 2d 606, 632 (E.D. Pa. 2002)). The Court will not revisit these arguments as Plaintiff has provided no new facts or law that require reconsideration. *See ABS Brokerage Servs.*, No. 09-4590, 2010 WL 3257992, at *6.

Similarly, with regard to Plaintiff's sixth argument, Plaintiff has not provided any new facts or law that require reconsideration of the Court's ruling on the FHA, RICO, and other fraud claims.

Likewise, on the seventh argument, Plaintiff has presented no basis for this Court to reconsider its rulings on the denial of pro bono counsel and default judgment. Thus, Plaintiff's sixth and seventh arguments lacks merit.

Plaintiff's eighth argument regarding the duties of the Court are misplaced and have no bearing on the Opinion. The Court has given Plaintiff numerous opportunities to amend his pleadings, submit additional briefing, and file overlength and out of time opposition papers, and has endeavored to provide decisions on the voluminous record in this matter as expediently as possible.

Plaintiff's ninth argument that he did not submit a Title VII claim is contradicted by the plain text of the Third Amended Complaint that contains ten different references to "Title VII." *See* ECF No. 296 at 1, 5, 6, 9, 10, 11, 12, 13, 14. Nevertheless, to the extent Plaintiff contends this claim was not meant to be included in his pleading, it does not require any reconsideration of the Opinion.

Finally, the Court will not reconsider its holding that further amendment would be futile. The futility of amendment is clear here because Plaintiff lacks standing to bring claims for injuries stemming from interference with the Subject Property, is precluded from bringing claims that he has already lost on through final judgments on the merits issued in state court multiple times, and, has failed to state a claim despite multiple pleading attempts. *See Lombreglia v. Sunbeam Prod., Inc.*, No. 20-0332, 2021 WL 118932, at *5 (D.N.J. Jan. 13, 2021) ("An amendment is futile if it is frivolous or advances a claim or defense that is legally insufficient on its face.").

Accordingly, Plaintiff has failed to point to any change in controlling law, new evidence not available previously that alters the Court's prior decision, or a clear error of fact or law that

must be addressed to avoid manifest injustice. *N. River Ins. Co.*, 52 F.3d at 1218. Plaintiff's arguments are unpersuasive, unfounded, and mainly amount to relitigation of previously rejected positions which are not a proper basis for a motion for reconsideration. *See Gutierrez v. Johnson & Johnson*, No. 01-5302, 2007 WL 1101437, at *4 (D.N.J. Apr. 10, 2007) ("This is not the purpose of a motion for reconsideration. A party is not entitled to a second bite at the apple."); *P. Schoenfeld Asset Mgmt.*, LLC, 161 F. Supp. 2d at 352 (A motion for reconsideration "may not be used to relitigate old matters.").[1]

IV. CONCLUSION

For the aforementioned reasons, Plaintiff's motion for reconsideration (ECF No. 336) is **DENIED**. Further, to the extent that Plaintiff's letter to the Clerk of the Court (ECF No. 345) constitutes a request for reconsideration and leave to amend, that request is **DENIED**. An appropriate Order accompanies this Opinion.

DATE: January 31, 2022

s/ Claire C. Cecchi
CLAIRE C. CECCHI, U.S.D.J.

[1] On July 1, 2021, Plaintiff filed a letter addressed to the Clerk of the Court. ECF No. 345. He attaches a "NOTICE OF MOTION SEEKING LEAVE OF THE COURT FOR DETERMINATION OF ECF 322 FILED 11/11/20 . . ." that appears to *inter alia* again seek leave to amend Plaintiff's complaint, and separately seeks reconsideration of Magistrate Judge James B. Clark's Order dated November 5, 2020. Id. at 2. First, the Court denies Plaintiff leave to amend his complaint because amendment would be futile, as explained above. Second, the Court will not reconsider Judge Clark's November 2020 Order (ECF No. 319) because it correctly held that two of Plaintiff's briefs (ECF Nos. 304, 309) "be considered as Plaintiff's opposition to Defendants' respective motions to dismiss," given "that these 'motions' were intended to act as Plaintiff's opposition to the pending motions to dismiss" (ECF No. 319). The Court has duly considered these submissions, and to the extent Plaintiff seeks other forms of relief, Plaintiff's requests are denied as there is no basis for relief in his favor.