

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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HOWARD L. BOERS <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Civil Action No.: 00-1297 (RMU)
UNITED STATES OF AMERICA,	:	
Defendant.	:	

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HOWARD L. BOERS <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Civil Action No.: 00-2010 (RMU)
UNITED STATES OF AMERICA,	:	
Defendant.	:	

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HOWARD L. BOERS <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Civil Action No.: 00-2536 (RMU)
UNITED STATES OF AMERICA,	:	
Defendant.	:	

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**MEMORANDUM OPINION**

**DENYING THE PLAINTIFFS’ MOTION FOR RECONSIDERATION**

**I. INTRODUCTION**

This case comes before the court on the plaintiffs’ motion for reconsideration of this court’s January 8, 2001 Memorandum Opinion (“Mem. Op.”), which transferred the above-

captioned cases to the United States District Court for the District of Arizona. The *pro se* plaintiffs, Howard L. Boers, Donna M. Boers, Michael S. Boers, and Donna R. Boers, brought their first suit, Civil Action No. 00-1297, under the Privacy Act of 1974, 5 U.S.C. § 552(a). In their second suit, Civil Action No. 00-2010, the plaintiffs alleged that the defendants caused them economic hardships by refusing to obey federal regulations, statutes, and rules. In the third suit, Civil Action 00-2536, the plaintiffs alleged that the defendants violated their civil rights. For the reasons that follow, the court will deny the plaintiffs' motion for reconsideration.

## II. BACKGROUND

*Pro se* plaintiffs Howard, Donna, Michael, and Dana Boers received a Farmers Home Administration (FmHA) loan in 1980. *See* Amended Complaint ("Am. Compl.") at 2. After receiving the loan, the plaintiffs used the money to purchase a dairy farm in Buckeye, Arizona. *See id.* at 4. The plaintiffs' farming operation failed, and the FmHA foreclosed on the plaintiffs' farm in January 1987. *See id.* The plaintiffs were able to partially repurchase their land, and subsequently filed several lawsuits related to this foreclosure. Among other things, the plaintiffs alleged that the withholding of the foreclosure notice violated the Privacy Act of 1974. *See* Am. Comp. at 14.

The plaintiffs' litigation centers around the January 1987 foreclosure notice. As far as this court can determine, the plaintiffs claim that the foreclosure does not exist, was manufactured by agents of the United States, or is being deliberately withheld from them by agents of the United States. *See generally* Am. Compl. On January 8, 2001, this court transferred the above-captioned cases to the United States District Court for the District of Arizona. The court transferred the cases because the land in question is located in Arizona,

because all the operative facts occurred in Arizona, and because of the strong interest in resolving local controversies in a plaintiff's home forum. *See* Mem. Op. at 3. The plaintiffs now ask for reconsideration of the January 8, 2001 Memorandum Opinion.

### **III. ANALYSIS**

#### **A. Legal Standard**

The plaintiffs filed their motion for reconsideration on January 17, 2001, within the 10-day deadline imposed by Rule 59(e). Thus, although the plaintiffs do not explicitly cite Rule 59(e) in their motion for reconsideration, the court will treat their request as a Rule 59(e) motion. *See Smith v. Hudson*, 600 F.2d 60, 62 (6th Cir. 1979). In *National Trust v. Department of State*, 834 F. Supp. 453 (D.D.C. 1995), the court stated:

A motion for reconsideration is discretionary and should not be granted unless the movant presents either newly discovered evidence or errors of law or fact which need correction. Reconsideration is not appropriate where a party is simply attempting to reargue factual or legal assertions contained in their original pleadings. The primary reasons for reconsideration of judgment are "an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice."

*Id.* at 455 (citations omitted); *accord Anyanwutaku v. Moore*, 151 F.3d 1053, 1057-58 (D.C. Cir. 1998).

#### **B. The Plaintiffs' Motion for Reconsideration**

The plaintiffs have failed to present any new evidence, point to any legal errors the court made, or alert the court to any intervening change of controlling law that would justify granting their motion for reconsideration. The plaintiffs rely heavily on two main allegations that they believe justify bringing their litigation in the District of Columbia. *See generally* Pls.' Request for Recon. First, the plaintiffs argue that the 1987 foreclosure notice, or individuals who are

familiar with the notice, are located in Washington, D.C. *See id.* at 2-5. Second, the plaintiffs believe that they will not be able to receive a fair trial in the District of Arizona. *See id.* at 2. But the plaintiffs simply have not put forth sufficient credible evidence that indicates that either of these two propositions has any merit.

More importantly, the court need not even address these arguments at this juncture because the court already dealt with them in its Memorandum Opinion. Indeed, the plaintiffs made these allegations in the initial complaint and amended complaint. The court thoroughly explained why Arizona is a more proper venue in its January 8, 2001 Memorandum Opinion. Without new evidence, new law, or any other factor that would indicate a gross injustice, this court sees no reason to vacate its previous Memorandum Opinion and Order.

### **C. The Plaintiffs' Procedural Options**

The court is sympathetic to the fact that the plaintiffs are proceeding *pro se* and that they may not be familiar with certain procedural deadlines. Accordingly, the court notes that the plaintiffs do have other options. The plaintiffs may litigate their case in the District of Arizona, or they may seek a re-transfer in the District of Arizona back to this court.

## **IV. CONCLUSION**

For all these reasons, the court denies the plaintiffs' motion for reconsideration. An order directing the parties in a fashion consistent with this Memorandum Opinion is separately and contemporaneously issued this \_\_\_\_\_ day of March, 2001.

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Ricardo M. Urbina  
United States District Judge