

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

RAJIN PATEL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
TEXAS TECH UNIVERSITY, et al.,	)	
	)	
Defendants.	)	Civil Action No. 5:17-CV-174-C

ORDER

On this day, the Court considered Defendants’ Motion for Reconsideration of Defendants’ Motion to Dismiss, filed September 27, 2017. Defendants move for reconsideration of this Court’s prior order primarily based on an argument that their reply was not due until September 27, 2017, and they were in the process of preparing that reply when the Court issued its ruling.¹

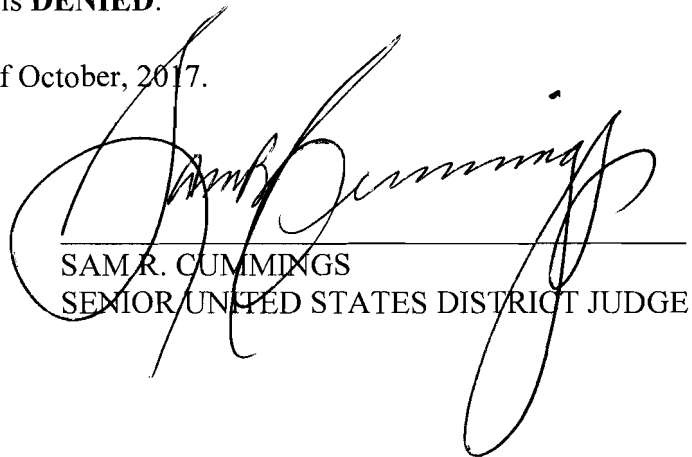
“The Court will entertain only motions and responses but no replies unless otherwise ordered.” Judge Specific Requirements for Senior District Judge Sam R. Cummings II.B (available at www.txnd.uscourts.gov/judge/senior-district-judge-sam-cummings). Defendants did not file a motion requesting leave to file any reply—as required by the undersigned’s Judge Specific Requirements for all proposed reply briefs—and the Court therefore found it unnecessary to wait for a reply before issuing its ruling. Accordingly, the Court finds this

¹Defendants further raise arguments that are merely recitations of the arguments already made in their motion to dismiss. Those arguments have been rejected by this Court and the Court need not address them further because the Federal Rules of Civil Procedure do not recognize any official “motion for reconsideration” of a district court’s order on a motion to dismiss.

argument unpersuasive. Further, the Court is of the opinion that the substantive arguments raised by Defendants in their “Motion for Reconsideration” are better suited for resolution on summary judgment. As stated in the Court’s prior order, Plaintiff’s Complaint is sufficiently well-pleaded to survive Defendants’ motion to dismiss at this early stage of the litigation. Defendants are free to raise any appropriate legal or factual arguments at the summary judgment stage, but the Court sees no valid reason to revisit its ruling on the motion to dismiss.

The Motion for Reconsideration is **DENIED**.

SO ORDERED this 2nd day of October, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE