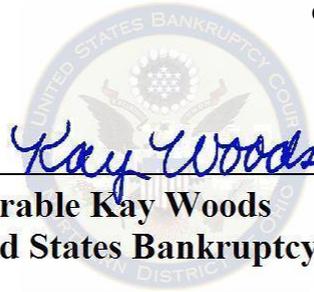


IT IS SO ORDERED.



Honorable Kay Woods
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:	*
	*
MARY JO SHUSTER,	*
	*
Debtor.	*
	*
*****	*
	*
MARY JO SHUSTER,	*
	*
Plaintiff,	*
	*
vs.	*
	*
JP MORGAN CHASE BANK, N.A.	*
successor by merger to BANK N.A.	*
c/o CHASE HOME FINANCE, LLC,	*
	*
Defendant.	*
	*

CASE NUMBER 05-45399

ADVERSARY NUMBER 08-4014

HONORABLE KAY WOODS

ORDER DENYING SECOND MOTION FOR RECONSIDERATION

The matter before the Court is Motion for Reconsideration
Under Rule 59(e) of Court's Order Modifying Prior Order to Enjoin

Petition Preparer ("Second Motion for Reconsideration") (Doc. # 32) filed by Joseph-Mario Spates ("Spates") on June 6, 2008. The Second Motion for Reconsideration asks the Court to "reconsider the modified prior Order entered by the Court on May 27, 2008 in the above captioned adversary proceeding[.]" (2d Mot. for Recons. at 1.) On May 13, 2008, this Court issued Order Enjoining Joseph-Mario Spates from Acting as a Petition Preparer for One Year ("Injunction Order") (Doc. # 25), which enjoined Mr. Spates from acting as a petition preparer in the Northern District of Ohio for a period of one year based on Mr. Spates's unauthorized practice of law. On May 19, 2008, Mr. Spates filed Joseph-Mario Spates [sic] Objection to Court's Order to Enjoin Bankruptcy Petition Preparer for One (1) Year (Doc. # 27). The Court entered a Corrective Entry indicating that this was an improper pleading. The following day, May 20, 2008, Mr. Spates filed Motion for Reconsideration of Court's Order to Enjoin Bankruptcy Petition Preparer for One (1) Year ("Motion for Reconsideration") (Doc. # 29). On May 27, 2008, this Court entered Order Modifying Prior Order Enjoining Joseph-Mario Spates from Acting as a Petition Preparer for One Year ("Modified Order") (Doc. # 30).

Not content with the Court's Modified Order, Mr. Spates has now filed the Second Motion for Reconsideration, which sets forth various reasons why he disagrees with the Modified Order. Although Mr. Spates failed to comply with the requirements to seek reconsideration of the Injunction Order, the Court considered Mr.

Spates's arguments and entered the Modified Order. However, the Court noted therein, "The purpose of Rules 59 and 60 is not to provide a 'second bite at the apple' or a 'do-over.' A motion for reconsideration is an extraordinary measure and should be brought to correct a manifest error of law or fact on the part of the Court. It is not a substitute for filing a notice of appeal." (Modified Order at 3.) Mr. Spates appears to believe that if he asks for reconsideration a sufficient number of times, the Court will tire of having to deal with his motions and reverse the Injunction Order.

Notably, Mr. Spates has not argued in any of his pleadings that the Injunction Order is based on factual error and that he has not engaged in the unauthorized practice of law. It is clear that Mr. Spates disagrees with the content and import of the Injunction Order. Having dealt, at length, with each of the arguments in his first Motion for Reconsideration, this Court declines to analyze each of the arguments in this Second Motion for Reconsideration. The Second Motion for Reconsideration is denied.

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