

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

JAMES ARTHUR BIGGINS, )  
 )  
 v. ) N16C-11-238 MMJ  
 )  
 ROBERT M. COUPE, et al. )  
 )  
 Defendant. )

Submitted: February 6, 2017  
Decided: February 13, 2017

**ORDER**

*Upon Plaintiff's Motion to Proceed Under In Forma Pauperis  
and Motion to Amend Pursuant to Superior Court Civil Rule 12(a)*

*Motion Deemed to be Motion for Reargument*

**DENIED**

1. By Order dated December 21, 2016, the Court denied Plaintiff's Petition to Proceed *In Forma Pauperis*. The Court found that Plaintiff is barred pursuant to 10 *Del. C.* § 8804(f), having failed to allege imminent danger of serious physical injury, as required by the Order dated May 10, 2016 in C.A.No. N16M-02-175. Plaintiff's instant motion restates facts previously alleged, and attempts to reargue the Court's prior rulings.

2. The purpose of reargument is to permit reconsideration of findings of fact, conclusions of law, or judgment of law.<sup>1</sup> Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision. “A motion for reargument should not be used merely to rehash the arguments already decided by the court.”<sup>2</sup>

3. Plaintiff has not specified any basis for reargument. Plaintiff has failed to demonstrate that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it misapprehended the law or the facts in a manner affecting the outcome of the decision.

**THEREFORE**, “Plaintiff’s Motion to Proceed Under *In Forma Pauperis* and Motion to Amend Pursuant to Superior Court Civil Rule 12(a)” - deemed by the Court to be a Motion for Reargument - is hereby **DENIED**.

**IT IS SO ORDERED.**

  
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Mary M. Johnston, Judge

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<sup>1</sup>*Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (1969).

<sup>2</sup>*Wilmington Trust Co. v. Nix*, 2002 WL 356371 (Del. Super.); *Whitsett v. Capital School District*, Del. Super., C.A. No. 97C-04-032 Vaughn, J. (Jan. 28, 1999); *Monsanto Co. v. Aetna Casualty & Surety Co.*, Del. Super., C.A. No. 88-JA-118, Ridgeley, P.J. (Jan. 14, 1994).