

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 07-cv-00658-WDM-KMT

EDWARD C. HERLIK,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter is before the court on Plaintiff Edward C. Herlik's "Motion to Reconsider 18th January 2008 Order Regarding Scope of Employment Decision" ("Motion" [Doc. No. 60, filed January 31, 2008].

Plaintiff cites no authority for the court to reconsider its previous ruling. However, the court notes that Fed. R. Civ. P. 60(b) authorizes reconsideration relief based on certain enumerated circumstances. A party's dissatisfaction with a ruling is not one of those circumstances. *Broadway v. Norris*, 193 F.3d 987, 990 (8th Cir. 1999)(Rule 60(b) "is not a vehicle for simple reargument on the merits.") Thus, a "motion to reconsider" pursuant to Rule 60(b) is properly denied, for example, where the movant "d[oes] nothing more than reargue, somewhat more fully, the merits of their claim." *Id.*

Plaintiff's Motion argues that the court misunderstood and/or misapplied the law, and asserts more extensive argument. "Such arguments and tactics, however, cannot support Rule 60(b) relief." *Ptasynski v. CO2 Claims Coalition*, 2007 WL 162742, *1 (D. Colo., 2007)(unpublished, Miller, J.); *Van Skiver v. United States*, 952 F.2d 1241, 1243-44 (10th Cir. 1991).

Plaintiff Edward C. Herlik's "Motion to Reconsider 18th January 2008 Order Regarding Scope of Employment Decision" ("Motion" [Doc. No. 60, filed January 31, 2008] is DENIED.

Dated this 6th day of February, 2008.

BY THE COURT:

s/ Kathleen M. Tafoya
United States Magistrate Judge