

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Case No. 07-cv-00750-REB-KMT

DONALD ALTON HARPER,

Plaintiff,

v.

P. URBANO, P.A., and  
NORMAN S. ROSENTHAL, M.D.,

Defendants.

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**ORDER DENYING MOTION TO REOPEN**

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**Blackburn, J.**

This matter is before me on the filing captioned **On Motion Requesting To Reopen Pursuant To Federal Rule Civil Procedure Clear Error** [#206]<sup>1</sup> filed August 5, 2013. I deny the motion.

The plaintiff, Don Harper, is acting *pro se*. Therefore, I construe his filings generously and with the leniency due *pro se* litigants. **See Erickson v. Pardus**, 551 U.S. 89, \_\_\_, 127 S. Ct. 2197, 2200 (2007); **Andrews v. Heaton**, 483 F.3d 1070, 1076 (10th Cir. 2007); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991). Reading the motion of Mr. Harper generously, I construe it as a motion for post-judgment relief under FED. R. CIV. P. 59(e) or 60(b).

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<sup>1</sup> “[#206]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

In his motion, Mr. Harper appears to contend that payments for filing fees in another case or cases and, possibly, in this case continue to be deducted from his prison account. He contends that an order dated May 20, 2007, which requires him to make monthly payments of twenty percent (20%) is in error. He mentions also Civil Action No. 05-cv-00610-ZLW, but that case did not involve Mr. Harper. Mr. Harper cites no specific facts that implicate any error in the execution of the orders entered in this case and no specific facts or arguments that indicate that any of the orders entered in this case are in error.

“(A) Rule 59(e) motion is normally granted only to correct manifest errors of law or to present newly discovered evidence.” *Jennings v. Rivers*, 394 F.3d 850, 854 (10th Cir.2005) (internal quotation omitted). In his motion, Mr. Harper has demonstrated neither a manifest error of law nor the need to present newly discovered evidence. Rule 60(b) lists six bases on which a party may seek relief from a final judgment. Having considered the motion of Mr. Harper, I find that he has not cited or circumstantiated any valid grounds for relief from judgment under Rule 60(b).

**THEREFORE, IT IS ORDERED** that the motion stated in the filing captioned **On Motion Requesting To Reopen Pursuant To Federal Rule Civil Procedure Clear Error** [#206] filed August 5, 2013, is **DENIED**.

Dated February 12, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge