

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

Civil Case No. 08-cv-01355-REB-KMT

STEVEN WILSON,

Plaintiff,

v.

ARI ZAVARAS, Executive Director, Colorado Department of Corrections, and  
CATHY HOLST, Manager, Office of Correctional Legal Services,

Defendants.

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**ORDER DENYING MOTIONS TO ALTER OR AMEND THE JUDGMENT**

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**Blackburn, J.**

The matters before me are plaintiff's (1) **Motion To Ensure Courts** (sic) **Jurisdiction** [#162]<sup>1</sup> filed August 26, 2011; (2) **Motion To Alter or Amend the Judgment Under Rule 59(e)** [#159] filed August 26, 2011; (3) **Motion To Renew Plaintiff's Motion for Extension of Time Filed on August 24, 2009** [#166] filed October 6, 2011; and (4) **Motion for the Chief Judge of the District Court To Hear and Decide Plaintiff's Motion** [#165] filed October 6, 2011. I grant the first motion to the extent it asks me to consider plaintiff's request for relief under Fed. R. Civ. P. 60(b), deny the motion to have the substantive motions determined by the Chief Judge of the District, and deny the motions seeking to alter or amend the judgment.

Beginning with plaintiff's request to have these matters determined by the Chief

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<sup>1</sup> "[#162]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Judge of the United States District Court for the District of Colorado, I have already denied plaintiff's motion to recuse me from this case. (**See Order Denying Plaintiff's Motion To Disqualify the District Court Judge Under 28 U.S.C .[#168]**, filed October 13, 2011. My reasons for refusing to disqualify myself are presented fully in that order. Nothing in the instant motion suggests any basis for reconsideration.

Although plaintiff's motion to alter or amend purports to seek relief from judgment pursuant to FED. R. CIV. P.59(e), judgment in this case was entered more than two years ago. Accordingly, relief is available, if at all, only under Rule 60(b).<sup>2</sup>

Relief under Rule 60(b) requires a showing of exceptional circumstances warranting relief from judgment. ***Van Skiver v. United States***, 952 F.2d 1241, 1243 (10<sup>th</sup> Cir. 1991). A litigant shows exceptional circumstances by satisfying one or more of the grounds for relief enumerated in Rule 60(b). ***Id.*** at 1243-44. The only possibly applicable ground for relief under Rule 60(b) is provided by subparagraph (6), which contemplates relief from judgment based on "any other reason that justifies relief." FED. R. CIV. P. 60(b)(6). I perceive nothing in plaintiff's substantive motions to suggest that such extraordinary relief is warranted in this case. Instead, he simply continues to argue that his motion for extension of time was wrongly denied based on facts that have been found adversely to his position. The proper avenue to press such an argument is on appeal, not by way of a motion under Rule 60(b).

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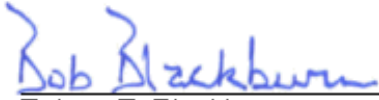
<sup>2</sup> Nevertheless, even if Rule 59(e) were applicable, none of the limited bases for granting such a motion is shown here. ***See Servants of the Paraclete v. Does***, 204 F.3d 1005, 1012 (10<sup>th</sup> Cir. 2000) ("Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.") (citations omitted).

**THEREFORE, IT IS ORDERED** it is ordered as follows:

1. That plaintiff's **Motion To Ensure Courts (sic) Jurisdiction** [#162] filed August 26, 2011, is **GRANTED**;
2. That plaintiff's **Motion To Alter or Amend the Judgment Under Rule 59(e)** [#159] filed August 26, 2011, is **DENIED**;
3. That plaintiff's **Motion To Renew Plaintiff's Motion for Extension of Time Filed on August 24, 2009** [#166] filed October 6, 2011, is **DENIED**; and
4. That plaintiff's **Motion for the Chief Judge of the District Court To Hear and Decide Plaintiff's Motion** [#165] filed October 6, 2011, is **DENIED**.

Dated October 12, 2011, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge