

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Case No. 08-cv-02546-PAB-BNB

GREGORY STEWART HUBLER,

Plaintiff,

v.

RUSTY LANDER,

Defendant.

ORDER

This matter is before the Court on plaintiff's motion to amend judgment pursuant to Federal Rule of Civil Procedure 59(e) [Docket No. 62]. On March 10, 2010, the Court accepted [Docket No. 60] the Recommendation of United States Magistrate Judge [Docket No. 54] and ordered that judgment enter against plaintiff and in favor of defendant. Plaintiff filed the present motion within twenty eight days of judgment being entered. Therefore, the motion falls under the purview of Federal Rule of Civil Procedure 59(e).

A party is justified in bringing such a motion when there has been "(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." *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citing *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995)). Plaintiff has not demonstrated that any of these grounds have been met. Rather, he simply reasserts

an argument contained in his prior filings and has not provided the Court with any basis to revisit that argument. Therefore, it is

ORDERED that plaintiff's motion to amend judgment pursuant to Federal Rule of Civil Procedure 59(e) [Docket No. 62] is DENIED.

DATED August 18, 2010.

BY THE COURT:

s/Philip A. Brimmer _____
PHILIP A. BRIMMER
United States District Judge