

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00285-DME-MJW

GEORGE BANKS,

Plaintiff(s),

v.

CAPTAIN HODAK,

Defendant(s).

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**MINUTE ORDER**

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**Entered by Magistrate Judge Michael J. Watanabe**

It is hereby **ORDERED** that plaintiff's submission filed on May 13, 2009 (Docket No. 40), which has been construed as a request for counsel, and plaintiff's Motion for Reconsideration to Appoint Counsel (Docket No. 35) are **denied**.

“[A] motion to reconsider is not a second opportunity for the losing party to make its strongest case, to rehash arguments, or to dress up arguments that previously failed. . . . Most importantly, a motion to reconsider is not a motion ‘to reargue those issues already considered when a party does not like the way the original motion was resolved.’” Bartholic v. Scripto-Tokai Corp., 140 F. Supp.2d 1098, 1124 (D. Colo. 2000) (citations omitted); United States v. Schaeffer, 2000 WL 320665, \*1 (D. Colo. Feb. 24, 2000). “There are three major grounds that justify reconsideration: (1) an intervening change in the controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice.” Mantle Ranches, Inc. v. United States Park Serv., 950 F. Supp. 299, 300 (D. Colo. 1997) (citations and quotations omitted). None of these grounds are present here. Furthermore, as this court found in its previous Minute Order, having considered the current record in this case, the court finds that, even assuming the plaintiff has a colorable claim, he currently appears to be able to present his case adequately. The factual and legal issues raised are not so numerous or complex that the plaintiff is unable to present his case adequately at this stage of the litigation.

Date: May 20, 2009

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