

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00983-ZLW

WELLMAN E. GIBSON,

Plaintiff,

v.

ANNA MARIE CAMPBELL,  
C. HOLST, AIC,  
SHIRLEY STEINBECK,  
MARSHALL GRIFFITH,  
LT. STEINBECK, and  
DOCTOR AASEN,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 18 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DENYING MOTION TO RECONSIDER

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Plaintiff Wellman Gibson is a State of Colorado prisoner. On June 5, 2009, he filed three *pro se* requests. Subsequently, on June 10, 2009, he filed a *pro se* "Objection to Order of Dismissal Dated May 28, 2009, and on Appeal," challenging the dismissal entered in the instant action on May 29, 2009.

The Court must construe the requests and the Objection liberally because Mr. Gibson is a *pro se* litigant. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991). For the reasons stated below, the requests and the Objection will be treated as a Motion to Reconsider, and the Motion will be denied.

A litigant subject to an adverse judgment, and who seeks reconsideration by the district court of that adverse judgment, may “file either a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e) or a motion seeking relief from the judgment pursuant to Fed. R. Civ. P. 60(b).” **Van Skiver v. United States**, 952 F.2d 1241, 1243 (10<sup>th</sup> Cir. 1991). Mr. Gibson filed the three requests and the Objection within ten days after the Judgment was entered on May 29, 2009, in the instant action. The Court, therefore, will construe the requests and the Objection as a Motion to Reconsider filed pursuant to Rule 59(e). **See Van Skiver**, 952 F.2d at 1243.

The Court dismissed the action because Mr. Wellman's claims were repetitive of the claims he raised in **Montez v. Owens**, No. 92-cv-00870-EWN-OES. The Court also found that in **Montez** the disposition of his medical disability claim included a ruling on Mr. Gibson's ability to access book tapes.

Upon consideration of the entire file, the Court finds and concludes that Mr. Wellman fails to demonstrate some reason why the Court should reconsider and vacate its decision to dismiss this action. Therefore, the Motion to Reconsider will be denied. Accordingly, it is


ORDERED that the requests (Doc. #'s 9, 10, and 11), filed June 6, 2009, and the Objection (Doc. # 12), filed June 10, 2009, are construed as a Motion to Reconsider, filed pursuant to Fed. R. Civ. P. 59(e), and the Motion is denied. It is

FURTHER ORDERED that the June 10, 2009, Objection is construed in part as a Notice of Appeal. It is

FURTHER ORDERED that the Clerk of the Court shall process the Notice of Appeal.

DATED at Denver, Colorado, this 17 day of June, 2009.

BY THE COURT:

  
ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-00983-ZLW

Wellman E. Gibson  
Prisoner No. 74384  
Arkansas Valley Corr. Facility  
PO Box 1000  
Crowley, CO 81034

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/18/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk