

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01075-BNB  
(Removal from District Court, County of Larimer, State of Colorado, Case No.  
2001DR614, 8<sup>th</sup> Judicial District)

W. CASEY CHIPMAN, and  
ON BEHALF OF SILAS D. B. CHIPMAN, A Minor Child,

Plaintiffs,

v.

LARIMER DISTRICT COURT, 8<sup>th</sup> JUDICIAL DISTRICT, COLORADO, and  
ELIZABETH A. TERRY,

Defendants,

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
JUL 23 2009  
GREGORY C. LANGHAM  
CLERK

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ORDER DENYING MOTION TO RECONSIDER

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This matter is before the Court on Plaintiff W. Casey Chipman's *pro se* "Motion to Reconsider," filed on July 14, 2009. Previously on June 16, 2009, the Court summarily remanded a state court civil case that Mr. Chipman attempted to remove to this Court. Mr. Chipman asks the Court to reconsider its June 16, 2009, Order for Summary Remand. The Motion to Reconsider will be denied for the reasons stated below.

An order remanding a removed case to state court ordinarily is not reviewable on appeal or otherwise, unless the state case was removed pursuant to 28 U.S.C. § 1443 (1994). *See* 28 U.S.C. § 1447(d) (1994). Mr. Chipman failed, both in his Notice of Removal and in his Motion to Reconsider, to state grounds that justify the removal of

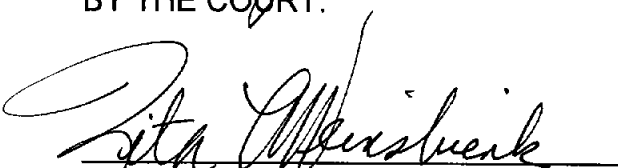
his state court case to this Court. Therefore, § 1447(d) does not allow the Court to review its prior decision.

Reconsideration may be justified when there is an intervening change in the controlling law, the availability of new evidence, or a need to correct clear error or prevent manifest injustice. *Shields v. Shetler*, 120 F.R.D. 123, 125-26 (D. Colo. 1988). Upon consideration of the entire file, the Court finds and concludes that Mr. Chipman fails to present any new law or new evidence to support the Motion to Reconsider. He also fails to present any argument or authority which convinces the Court that the prior remand order is incorrect or will result in manifest injustice. Accordingly, it is

ORDERED that Mr. Chipman's *pro se* Motion to Reconsider (Doc. # 14), filed July 14, 2009, is denied.

DATED at Denver, Colorado, this 22 day of July, 2009.

BY THE COURT:

  
ZITA L. WEINSHIENK, Senior Judge  
United States District Court

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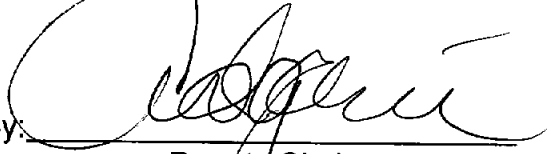
**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-01075-ZLW

W. Casey Chipman  
PO Box 146  
Wellington, CO 80549

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/23/09

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk