

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

Civil Action No. 09-cv-01712-REB

JOHN GERALD TRUJILLO,

Applicant,

v.

PAM PLOUGHE, Warden, CTCF, and,
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Defendants.

ORDER ON MOTIONS TO RECONSIDER

Blackburn, J.

This matter is before me on the following: (1) the respondents' **Motion for Reconsideration** [#19] filed January 14, 2010; and (2) the **Petitioner's Amended Motion for Reconsideration** [#22] filed January 27, 2010. I deny both motions.

Both the respondents and the applicant ask me to reconsider the court's **Order To Draw in Part and To Dismiss in Part** [#18] filed January 13, 2010.

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.

Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000) (citations omitted). In this case, I conclude that none of these grounds has been circumstantiated in either of the motions.

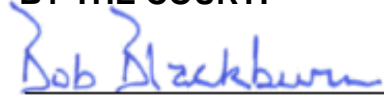
THEREFORE, IT IS ORDERED as follows:

1. That the respondents' **Motion for Reconsideration** [#19] filed January 14, 2010, is **DENIED**; and

2. That the **Petitioner's Amended Motion for Reconsideration** [#22] filed January 27, 2010, is **DENIED**.

Dated September 10, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge