

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-02493-DME-MJW

MARCUS L. FREEMAN,

Petitioner,

v.

BLAKE R. DAVIS, Warden,

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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On July 26, 2010, this Court denied Petitioner Marcus Freeman's application for a petition for habeas corpus pursuant to 28 U.S.C. § 2241 and dismissed the action. Judgment was entered on July 30. Petitioner filed a timely Motion for Reconsideration.

Because Petitioner's Motion for Reconsideration was filed within twenty-eight days of judgment, the Court will treat it as a motion to alter or amend the judgment pursuant to Rule 59(e). See Ysais v. Richardson, 603 F.3d 1175, 1178 n.2 (10th Cir. 2010) (noting that "[t]he federal rules do not recognize a motion to reconsider" and that a motion for reconsideration must be brought under either Rule 59(e) or Rule 60(b) (if not within Rule 59(e)'s time frame)). Only in limited situations will the Court grant such a motion, including when (1) an intervening change in the law occurs; (2) new evidence is discovered; and (3) there is a need to correct clear error or manifest injustice. See Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). None of these situations apply to Petitioner's motion. Although not entirely clear, Petitioner seems to argue only that the July 26 order dismissing his petition was erroneous.

Nothing in his motion convinces the Court that the July 26 order was incorrect. Therefore, Petitioner's Motion for Reconsideration [Doc. No. 40] is DENIED.

Dated this 19th day of August, 2010.

BY THE COURT:

*s/ David M. Ebel*

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U. S. CIRCUIT COURT JUDGE