

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

Civil Case No. 09-cv-02498-REB-MEH

GIOVANNI LARATTA

Plaintiff,

v.

ARISTEDES W. ZAVARAS,
ROBERT ALLEN,
CHRIS BARR, and
SUSAN JONES

Defendant.

ORDER DENYING MOTION TO RECONSIDER

Blackburn, J.

The matter before me is the plaintiff's **Motion To Reconsider District Judges** (sic) **Decision on Dismissal of Claim** [#8]¹ filed November 30, 2009. I deny the motion.

In an order [#2] filed November 20, 2009, I dismissed the plaintiff's Fifth and Fourteenth Amendment claims based on the plaintiff's alleged loss of personal property. These claims were dismissed as legally frivolous under 28 U.S.C. § 1915A(b)(1). In his present motion, the plaintiff seeks reconsideration of this order.

The bases for granting reconsideration are extremely limited:

Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence

¹ “[#8]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

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). The plaintiff offers nothing to suggest that any of these factors are implicated in this case. The plaintiff has not demonstrated any basis for reconsideration of the court's order [#2].

THEREFORE, IT IS ORDERED that the plaintiff's **Motion To Reconsider District Judges (sic) Decision on Dismissal of Claim** [#8] filed November 30, 2009, is **DENIED**.

Dated December 1, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge