

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 02 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01555-LTB

JILL COIT,

Plaintiff,

v.

A. ZAVARAS, Director of CDOC,
THE COLORADO DEPARTMENT OF CORRECTIONS,
JAMES WELTON,
GOVERNOR BILL RITTER, JR.,
LARRY REID,
ROBERT CANTWELL
MAJOR WAID,
MICHAEL DOUSSARD (Spelling),
DENNIS HOUGNON,
UNNAMED/UNKNOWN DEFENDANT WHO TOOK LEGAL SUPREME COURT MAIL
STAMPED OCTOBER 28, 2008,
UNNAMED/UNKNOWN DEFENDANT WHO CHANGED COMPUTER LEGAL MAIL
LOG,
CATHIE HOLST,
DR. P. FRANTZ,
RANDY SMITH,
SGT. HATFIELD,
CAPTAIN KITTY ARNOLD,
UNNAMED/UNKNOWN DWCF OFFICER THAT TOOK PLAINTIFF'S TWO CUBIC
FEET OF LEGAL DOCUMENTS,
UNNAMED/UNKNOWN DWCF OFFICER THAT TOOK/LOST PLAINTIFF'S
ORTHOPEDIC MEDICAL SHOES THAT ABILITY UNLIMITED MADE,
SGT. LASO,
UNKNOWN/UNNAMED DWCF STAFF WHO TOOK MEDICAL DOCUMENTS FROM
PLAINTIFF'S MEDICAL FILE,
JOAN SHOEMAKER,
UNNAMED/UNKNOWN LVCF OFFICER THAT PACKED PLAINTIFF OUT ON 7-23-10
(2 OFFICERS),
SGT. FIELDS,
SGT/CAPT. BUTCHER,
ASSOCIATE WARDEN SCOTT HALL, DWCF,
JOHN MARTIN, DWCF,
TCF WARDEN PELLANT, The Topeka Correctional Facility,
DR. MCMASTERS (T.C.F.),

SGT. BLAND 1435,
ANTHONY DECESARO, and
DR. MARTINEZ-HOCHBE-YENETT (T.C.F.),

Defendants.

ORDER DENYING MOTION TO RECONSIDER

Plaintiff, Jill Coit, filed *pro se* on April 26, 2011, a motion to reconsider which she characterizes as an "Objection to Order of Dismissal and Discrimination Against the Physical [sic] Impaired." Ms. Coit asks the Court to reconsider the March 15, 2011, order, which dismissed the amended complaint and this action.

The Court must construe liberally Ms. Coit's filings because she is not represented by an attorney. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). For the reasons stated below, the motion to reconsider 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 (10th Cir. 1991). A motion to reconsider filed more than twenty-eight days after the final judgment in an action should be considered pursuant to Rule 60(b). *See id.* at 1243. The Court will consider Ms. Coit's motion to reconsider pursuant to Rule 60(b) because it was filed more than twenty-eight days after the judgment was entered in this action. Relief under Rule 60(b) is appropriate only in extraordinary circumstances. *See*

Massengale v. Oklahoma Bd. of Examiners in Optometry, 30 F.3d 1325, 1330 (10th Cir. 1994).

The Court dismissed the amended complaint and the instant action without prejudice pursuant to Fed. R. Civ. P. 41(b) for Ms. Coit's failure to comply with the pleading requirements of Fed. R. Civ. P. 8, with Local Rule 10.1 of the Local Rules of Practice of the Court, and with the directives of the November 23, 2010, order for an amended complaint. The reasons for the dismissal are discussed in greater detail in the March 15 dismissal order. Ms. Coit's motion to reconsider fails to address the reasons for the dismissal.

Upon consideration of the liberally construed motion to reconsider and the entire file, the Court finds that Ms. Coit fails to demonstrate any extraordinary circumstances that would justify a motion to reconsider and, therefore, the motion will be denied. **See Massengale**, 30 F.3d at 1330. Accordingly, it is

ORDERED that the motion to reconsider characterized as an "Objection to Order of Dismissal and Discrimination Against the Physical [sic] Impaired" that Plaintiff, Jill Coit, filed *pro se* on April 26, 2011, and which the Court has construed liberally as a Fed. R. Civ. P. 60(b) motion, is denied.

DATED at Denver, Colorado, this 2nd day of May, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK
Senior Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-01555-BNB

Jill Coit
Prisoner No. 0-163936
Homestead Correctional Institution
19000 SW 377th St
Florida City, FL 33034

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on May 2, 2011.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk