

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

Civil Action No. 12-cv-01478-REB

CELIA GARCIA DENUNEZ,

Plaintiff,

v.

CAROLYN W. COLVIN,<sup>1</sup> Acting Commissioner of Social Security,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

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**Blackburn, J.**

The matter before me is **Plaintiff's Amended Motion To Reconsider** [#34],<sup>2</sup> filed June 8, 2013. Exercising my prerogative to rule on the motion without benefit of a response, **D.C.COLO.LCivR 7.1C.**, I deny the motion without awaiting a response.

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 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.

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013, and thus her name is substituted for that of Michael J. Astrue as the defendant in this suit. **FED. R. CIV. P.** 25(d)(1). By virtue of the last sentence of 42 U.S.C. § 405(g), no further action need to taken to continue this lawsuit.

<sup>2</sup> "[#34]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

***Servants of the Paraclete v. Does***, 204 F.3d 1005, 1012 (10<sup>th</sup> Cir. 2000) (citations omitted). Plaintiff's motion offers nothing suggesting that any of these factors are implicated in this case. Instead, she merely rehashes the same arguments this court rejected in its initial determination. However, plaintiff's apparent disagreement with that ruling provides no proper basis for reconsideration by this court. The appropriate avenue to remedy any alleged error in that decision now lies in the United States Court of Appeals for the Tenth Circuit.

**THEREFORE, IT IS ORDERED** that **Plaintiff's Amended Motion To Reconsider** [#34], filed June 8, 2013, is **DENIED**.

Dated June 10, 2013, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge