

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

Civil Action No. 12-cv-03231-REB-KLM

VICTORIA CARBAJAL,  
DEAN CARBAJAL, and  
LUIS LEAL,

Plaintiffs,

v.

MITCHELL R. MORRISSEY, D.A. for the Second Judicial District, in his official and individual capacities, et al.,

Defendants.

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**ORDER DENYING MOTION TO RECONSIDER**

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**Blackburn, J.**

The matter before me is **Plaintiff's<sup>1]</sup> Contemporaneous Objection to the Court's Order Overruling Plaintiff's Objection to Magistrate Judge Kristen Mix's November 13, 2013 Order** [#176],<sup>2</sup> filed January 8, 2014, which I construe as a motion to reconsider the referenced **Order Overruling Plaintiffs' Contemporaneous Objection to Magistrate Judge Kristen Mix's November 13, 2013 Order** [#171], filed December 19, 2013.<sup>3</sup> As thus construed, I deny the motion.

Mr. Carbajal is proceeding *pro se*. Thus, I continue to construe his pleadings more liberally and hold them to a less stringent standard than formal pleadings and

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<sup>1</sup> The motion is filed by plaintiff Dean Carbajal alone.

<sup>2</sup> "[#176]" is an example of the convention I use to refer to the docket number of a particular filing.

<sup>3</sup> Exercising my prerogative under **D.C.COLO.LCivR 7.1(d)**, I rule on the motion without awaiting the benefit of a response.

papers drafted by lawyers. **See *Erickson v. Pardus***, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10<sup>th</sup> Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)). Nevertheless, the bases for granting reconsideration are 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. 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 (10<sup>th</sup> Cir. 2000) (citations omitted).

Nothing in Mr. Carbajal's bare-bones recitation addresses these factors or otherwise indicates that any of them are implicated here. Instead, Mr. Carbajal purports to simply "stand[] on his arguments and authority asserted in his contemporaneous objection [Doc. #168]," claiming that the court's decision overruling that earlier objection was unreasonable and an abuse of discretion. As noted above, however, a motion for reconsideration "is not appropriate to revisit issues already addressed," and plaintiff's disagreement with my ruling, no matter how sincere, provides no justification for revisiting my previous order.

**THEREFORE, IT IS ORDERED** that **Plaintiff's Contemporaneous Objection to the Court's Order Overruling Plaintiff's Objection to Magistrate Judge Kristen Mix's November 13, 2013 Order** [#176], filed January 8, 2014, construed as a motion to reconsider, is **DENIED**.

Dated January 13, 2014, at Denver, Colorado.

**BY THE COURT:**

A handwritten signature in blue ink that reads "Bob Blackburn". The signature is written in a cursive, flowing style.

Robert E. Blackburn  
United States District Judge