

**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.

ORDER DENYING MOTION TO RECONSIDER

Blackburn, J.

The matter before me is **Plaintiff's^[1] Contemporaneous Objection to the Court's Order Overruling Plaintiff's Objection to Magistrate Judge Kristen Mix's November 13, 2013 Order** [#176],^[2] 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.^[3] 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

¹ The motion is filed by plaintiff Dean Carbajal alone.

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

³ 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 (10th Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th 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 (10th 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, appearing to read "Bob Blackburn".

Robert E. Blackburn
United States District Judge