

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00818-BNB

CRAIG ROBLEDO-VALDEZ,

Plaintiff,

v.

JEWEL WEST,  
TRAVIS TRANI,  
DALE BURKE,  
CHRIS BARR,  
DANIEL DENT,  
ANDREA NICHOLS,  
JOE KELEMAN,  
REANNE WILL,  
RHONDA HADRICK,  
LESLIE PAYNE,  
CARMEN ESTRADA,  
CAROL SOARES,  
SEAN FOSTER,  
SGT. RODECAP,  
DENNIS BURBANK,  
KEITH NORDELL,  
ANTHONY DeCESARO,  
2 UNKNOWN TIME COMPUTATION OFFICERS  
MARK FARIBAIRN,  
REGINA ROBERTS,  
ANGELA TIDEMANN,  
MR. MEISNER,  
MS. JIMENEZ,  
BRANDON WITZ,  
SUSAN JONES,  
MR. SPURLOCK,  
PATSY HARTLEY,  
TRACY SWINDLER,  
MARSHALL GRIFFITH,  
PAUL LARSON,  
MR. SMITH,  
MS. DeFUSCO,  
2 UNKNOWN PAROLE BOARD MEMBERS,  
CHAIRMAN OF PAROLE BOARD,

LINDA MAIFELD,  
LARRY WATSON,  
TINA VALDEZ,  
HEAD OF OFFENDER SERVICES,  
DANIEL LAKE,  
DANIEL BARBERO,  
MS. MORRIS,  
JAMES SINNOTT, and  
MR. COSABONE,

Defendants.

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ORDER DENYING MOTION TO RECONSIDER

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Plaintiff, Craig Robledo-Valdez, has filed *pro se* a “Petition for Rehearing/Reconsideration” (ECF No. 14) asking the Court to reconsider and vacate the Order of Dismissal (ECF No. 12) and the Judgment (ECF No. 13) entered in this action on April 18, 2014. The Court must construe the motion to reconsider liberally because Mr. Robledo-Valdez 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 (10<sup>th</sup> Cir. 1991). For the reasons discussed 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 (10<sup>th</sup> Cir. 1991). A motion to alter or amend the judgment must be filed within twenty-eight days after the judgment is entered. See Fed. R. Civ. P. 59(e). The Court will consider the motion to reconsider filed by Mr. Robledo-Valdez pursuant to Rule 59(e) because the motion was filed within twenty-eight days after the Judgment was entered

in this action. See *Van Skiver*, 952 F.2d at 1243 (stating that motion to reconsider filed within ten-day limit for filing a Rule 59(e) motion under prior version of that rule should be construed as a Rule 59(e) motion).

A Rule 59(e) motion may be granted “to correct manifest errors of law or to present newly discovered evidence.” *Phelps v. Hamilton*, 122 F.3d 1309, 1324 (10<sup>th</sup> Cir. 1997) (internal quotation marks omitted). Relief under Rule 59(e) also is appropriate when “the court has misapprehended the facts, a party’s position, or the controlling law.” *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10<sup>th</sup> Cir. 2000). However, a Rule 59(e) motion is not a new opportunity to revisit issues already addressed or to advance arguments that could have been raised previously. See *id.*

The Court dismissed the instant action as legally frivolous and malicious because the claims Mr. Robledo-Valdez asserts are repetitive of the claims he asserted in a prior action the Court dismissed as legally frivolous. See *Robledo v. West*, No. 13-cv-01577-LTB (D. Colo. Jan. 21, 2014), *appeal filed*, No. 14-1067 (10<sup>th</sup> Cir. filed Feb. 24, 2014). Mr. Robledo-Valdez asserts in the motion to reconsider that his claims are not frivolous, but he does not address the fact that the claims are repetitive of the claims he raised in 13-cv-01577-LTB.

After reviewing the motion to reconsider and the entire file, the Court finds that Mr. Robledo-Valdez fails to demonstrate some reason why the Court should reconsider and vacate the order to dismiss this action. Mr. Robledo-Valdez has filed an appeal in 13-cv-01577-LTB challenging the Court’s determination that his claims are legally frivolous. He may not file a second action asserting the same claims. Accordingly, it is

ORDERED that the "Petition for Rehearing/Reconsideration" (ECF No. 14) is DENIED.

DATED at Denver, Colorado, this 14<sup>th</sup> day of May, 2014.

BY THE COURT:

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