

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 14–cv–02113–RM–KMT

FEILBERTO SANCHEZ,

Plaintiff,

v.

OFFICER WERTH,

Defendant.

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**ORDER**

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This matter is before the court on Plaintiff’s “Motion to correct corrupt (illegal) ruling” (Doc. No. 13, filed October 30, 2014).

As no judgment has been entered in this case, the court construes Plaintiff’s motion as one to reconsider Senior District Judge Lewis T. Babcock’s Order to Dismiss and to Draw in Part (Doc. No. 9, filed October 9, 2014). The three main grounds that justify reconsideration are “(1) an intervening change in controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). A motion to reconsider must, “among other things, present matter that is material and of such importance that it would likely alter the outcome . . . .” *Aldrich Enters., Inc. v. United States*, 938 F.2d 1134, 1143 (10th Cir. 1991). Put simply, a motion to reconsider is appropriate when “the court has misapprehended the facts, a party’s position, or the controlling law.” *Servants of the Paraclete*, 204 F.3d at 1012. A motion to

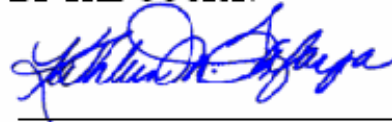
reconsider “should be denied unless it clearly demonstrates manifest error of law or fact or presents newly discovered evidence.” *Nat’l Bus. Brokers, Ltd. v. Jim Williamson Products, Inc.*, 115 F. Supp. 2d 1250, 1256 (D. Colo. 2000) (internal citations and quotation marks omitted). *Seabron v. American Family Mut. Ins. Co.*, Case No. 11-cv-01096-WJM-KMT, 2012 WL 3028224, at \*1 (D. Colo. July 24, 2012).

In his motion, though it is clear Plaintiff disagrees with the Order entered by Senior District Judge Babcock, Plaintiff fails to meet any of the standards to reconsider. *Servants of the Paraclete*, 204 F.3d at 1012. Accordingly, it is

**ORDERED** that Plaintiff’s “Motion to correct corrupt (illegal) ruling” (Doc. No. 13) is **DENIED**.

Dated this 10th day of November, 2014.

BY THE COURT:



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Kathleen M. Tafoya  
United States Magistrate Judge