

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02879-LTB

TRAVIS HODSON,

Applicant,

v.

COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DENYING MOTION TO RECONSIDER

The matter before the Court is the “Motion to Relief From Judgment,” ECF No. 23, that Applicant filed on May 6, 2015. The Court must construe the Motion liberally because Applicant is a *pro se* litigant. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). For the reasons stated below, the Court will deny the Motion.

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 (10th 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). Because the Motion to Reconsider was filed more than twenty-eight days after the dismissal of

this case, (case was dismissed on February 6, 2015), the Court will consider the Motion pursuant to Rule 60(b) See *Van Skiver*, 952 F.2d at 1243.

Relief under Rule 60(b) is appropriate only in extraordinary circumstances. See *Massengale v. Oklahoma Bd. of Examiners in Optometry*, 30 F.3d 1325, 1330 (10th Cir. 1994). Upon consideration of the Motion and the entire file, the Court finds that Applicant fails to demonstrate some reason why the Court should reconsider and vacate the February 6 Order of Dismissal. In the Motion, Applicant states

I request the court to grant relief on the order for dismissal for lack of jurisdiction by me not filing in a timely manner was due to mistake, inadvertence, surprise, and excusable neglect. there is a justifiable excuse.

ECF No. 23. Applicant asserts generic claims without any factual support. Nothing Applicant states supports extraordinary circumstances. Accordingly, it is

ORDERED that the "Motion to Relief From Judgment," ECF No. 23, filed on May 6, 2015, is construed as a Motion to Reconsider filed pursuant to Fed. R. Civ. P. 60(b) and is denied.

DATED at Denver, Colorado, this 12th day of May, 2015.

BY THE COURT:

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