

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00200-LTB

TIMOTHY DOYLE YOUNG,

Plaintiff/Applicant,

v.

WARDEN OLIVER,

Defendant/Respondent.

ORDER DENYING MOTION TO RECONSIDER

The matter before the Court is the “Rule #60 Motion,” ECF No. 4, that Mr. Young filed on March 16, 2015. Mr. Young is in the custody of the Federal Bureau of Prisons and currently is incarcerated at ADX in Florence, Colorado. The Court must construe the Motion liberally because Mr. Young 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 2, 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 Plaintiff fails to demonstrate some reason why the Court should reconsider and vacate.

In the Motion, Mr. Young challenges the filing restrictions he is subject to pursuant to *Young v. United States, et al.*, No. 14-cv-00073-LTB, ECF No. 24 (D. Colo. Apr. 22, 2014).

Accordingly, it is

ORDERED that the Rule #60 Motion, ECF No. 4, filed on March 16, 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 18th day of March, 2015.

BY THE COURT:

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