

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01523-MJW

ROBERT W. SANCHEZ,

Plaintiff,

v.

MEGAN J. BRENNAN, *Postmaster General, U.S. Postal Service,*

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendant's Motion for Reconsideration (Docket No. 37) is GRANTED IN PART AND DENIED IN PART. The motion is granted insofar as it requests reconsideration; it is denied insofar as it seeks a new result.

Reconsideration is appropriate in this instance because the Court failed to address one of Defendant's arguments. See *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) ("[A] motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law."). The Court therefore grants reconsideration and, now, considers Defendant's argument that Plaintiff failed to plausibly plead a claim for disability discrimination.

The Court nonetheless rejects Defendant's argument as to plausibly pleading disability discrimination. While the handwritten portions of Plaintiff's complaint leave much to be desired, the documents attached to the Complaint are part of the pleading under the Federal Rules of Civil Procedure. Fed. R. Civ. P. 10(c). Those documents provide more than enough detail for the Court to infer that (1) Plaintiff is a member in a class action in which the elements of disability discrimination have been plausibly asserted, and (2) Plaintiff individually has a strong basis for his claims, having both received a previous judgment from the EEOC and participated actively as a witness and source of discovery in the current class action. Given Plaintiff's pro se status, and the requirement that this Court draw all reasonable inferences in Plaintiff's favor at the pleading stage, the Court finds that the claim has been plausibly alleged.

Date: November 23, 2015
