

1991). Here, plaintiff specifies that she seeks relief under Rule 60(b), so the court will analyze her motion under that rule.

Relief is only proper under Rule 60(b) in “exceptional circumstances.” *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991) (citation omitted). Whether to grant or deny a 60(b) motion is committed to the court’s discretion. *Pelican Prod. Corp. v. Marino*, 893 F.2d 1143, 1145 (10th Cir. 1990). In exercising that discretion, courts generally recognize three major grounds justifying reconsideration: (1) an intervening change in controlling law; (2) availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice. *See Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). A motion to reconsider is not a proper place to reargue arguments that the court previously rejected. *See Servants of Paraclete*, 204 F.3d at 1012.

Rule 60(b)(3) permits relief for misconduct of an adverse party. Plaintiff characterizes the court as an “adverse party” because of perceived bias against her. This is inaccurate. The court is neither an adverse party nor biased against plaintiff. To receive relief under subsection (b)(3), a litigant must prove misconduct by clear and convincing evidence. *Anderson v. Dep’t of Health & Human Servs.*, 907 F.2d 936, 952 (10th Cir. 1990). Plaintiff has not met this burden.

Rule 60(b)(6) permits relief for “any other reason justifying relief.” Subsection (6) is the rule’s “catchall” provision. It is reserved for situations in which it “offends justice” to deny relief, *Loum v. Houston’s Rests., Inc.*, 177 F.R.D. 670, 672 (D. Kan. 1998), and applies only in “extraordinary circumstances,” *Van Skiver*, 952 F.2d at 1244–45. Extraordinary circumstances are not present here. Plaintiff disagrees with the court’s assessment of her evidence. But disagreement with an outcome does not present the extraordinary circumstances necessary to justify relief under Rule 60(b)(6).

Plaintiff does not show a change in law, new evidence, or a valid basis for correcting clear error or preventing manifest injustice. She is not entitled to relief under Rule 60(b).

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration (Doc. 136) is denied.

Dated this 14th day of February, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge