

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA **FILED**

MAR 13 2014

BIGLER JOBE STOUFFER, II,)
)
 Petitioner,)
)
 v.)
)
 ANITA TRAMMELL, Warden,)
)
 Respondent.)

PATRICK KEANEY
Clerk, U.S. District Court
By _____
Deputy Clerk

Case No. CIV 12-329-RAW-KEW

OPINION AND ORDER


On September 17, 2013, the court entered its Opinion and Order (Docket No. 31), dismissing this § 2241 habeas corpus action as time barred pursuant to 28 U.S.C. § 2244(d). On October 8, 2013, petitioner filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e). He alleges his habeas petition was timely, because the limitation period should have commenced on October 14, 2012, when his appeal to the DOC Director was decided. (Docket No. 37 at 1).

Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. *See Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995). Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. *Cf.* Fed. R. App. P. 40(a)(2) (grounds for rehearing). It is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing. *See Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991).

Servants of Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). Here, the court finds petitioner has failed to meet his burden for relief under Fed. R. Civ. P. 59(e).

ACCORDINGLY, petitioner's motion to alter or amend judgment (Docket No. 37)
is DENIED.

IT IS SO ORDERED this 13th day of March 2014.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE