

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DOUGLAS STEWART CARTER,

Petitioner,

vs.

ALFRED C. BIGELOW, Warden, Utah State
Prison,

Respondent.

MEMORANDUM DECISION AND
ORDER DENYING PETITIONER'S
MOTION TO ALTER OR AMEND
JUDGMENT

Case No. 2:02-CV-326 TS

This matter is before the Court on Petitioner's Motion to Alter or Amend Judgment. Petitioner seeks reconsideration of certain prior orders in light of *Martinez v. Ryan*.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."² "[A] motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. It is not appropriate to

¹132 S.Ct. 1309 (2012).

²*Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).


revisit issues already addressed or advance arguments that could have been raised in prior briefing.”³

Having considered Petitioner’s Motion, as well as the parties’ previously filed briefs concerning the applicability of *Martinez*, the Court finds that *Martinez* provides no basis for the Court to reconsider any of its prior rulings. It is therefore

ORDERED that Petitioner’s Motion to Alter or Amend Judgment (Docket No. 511) is DENIED.

DATED November 13, 2012.

BY THE COURT:



TED STEWART
United States District Judge

³*Id.* (citation omitted)