

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

EUGENE COSEY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM DECISION AND
ORDER DENYING PETITIONER'S
MOTION TO RECONSIDER

Case No. 2:11-CV-104 TS

Petitioner moves to reconsider the Court's order denying his Motion for Summary Judgment and granting him an extension of time to file a Reply. He argues that the government did not timely serve him with copies of a filing and, therefore, summary judgment should be entered as a sanction. This argument revisits Petitioner's previous argument that summary judgment should be granted against the United States for its failure to timely serve him with a response and file a certificate of service.

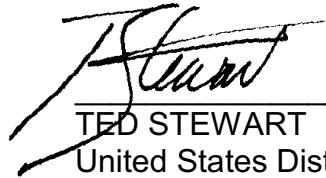
Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. It is not appropriate

to revisit issues already addressed or advance arguments that could have been raised in prior briefing.¹

The Court has previously addressed Petitioner's arguments.² His attempt to revisiting those issues does not state grounds for reconsideration. It is therefore ORDERED that Defendants' Motion for Reconsideration (Docket No. 11) is DENIED.

DATED September 7, 2011.

BY THE COURT:



TED STEWART
United States District Judge

¹*Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citing *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991)).

²See Docket No. 10 at 2 (finding that "any prejudice to Petitioner from not timely receiving a copy of the government's Response can be cured by granting his request for an extension of time in which to file a Reply") and 2-3 (finding Petitioner has not shown he is entitled to summary judgement).