

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-10134-JTM

MARLON D. BROWN,

Defendant.

MEMORANDUM AND ORDER

Before the court is defendant Marlon D. Brown's motion to reconsider the court's denial of early termination of supervised release. (Dkt. 74). Brown was sentenced to 144 months' imprisonment in 2005 and began serving a five-year term of supervised release on June 3, 2013. (Dkts. 61, 70). On February 26, 2015, Brown moved the court to terminate his supervised release, which the court denied on March 10, 2015. (Dkts. 69, 72).

"A motion to reconsider may be granted when the court has misapprehended the facts, a party's position, or the law." *United States v. Christy*, 739 F.3d 534, 539 (10th Cir. 2014). Grounds for granting 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." *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). "A motion to reconsider should not be used to revisit issues already addressed or advance arguments that could have been raised earlier." *Christy*,

739 F.3d at 539. The court may terminate supervised release after one year “if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e).

Brown argues that his compliance with the terms of supervised release and maintenance of gainful employment warrant early termination. Brown advanced the same arguments in his earlier motion. (Dkt. 69, at 1). While the court appreciates and encourages the progress Brown has made since his release, the court already addressed these arguments and ruled that he may refile his motion in July 2016. (Dkt. 72).

IT IS ACCORDINGLY ORDERED this 14th day of April, 2015, that Brown’s Motion (Dkt. 74) is DENIED.

s\ J. Thomas Marten
J. THOMAS MARTEN, JUDGE