

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LISA JANE GRAHAM,

Petitioner,

v.

CASE NO. 06-3317-JAR

RICHARD KOERNER, et al.,

Respondents.

O R D E R

Petitioner seeks reconsideration of an order entered in this matter by the undersigned judge on March 21, 2007. In the March 21, 2007, order, the court denied petitioner's motion for reconsideration of an earlier ruling that granted respondents' additional time to file an answer and return, and denied petitioner's motions for default judgment and release from confinement. The court also denied petitioner leave to proceed in forma pauperis in petitioner's second interlocutory appeal, and issued no certificate of appealability for that appeal.

Petitioner's motion for reconsideration is denied. Petitioner demonstrates no intervening change in controlling law, the availability of new evidence, or a need to correct clear error or prevent manifest injustice. D.Kan.Rule 7.3(b). Nor is the court persuaded that any modification is warranted of its certification that the interlocutory appeal was not taken in good

faith, Fed.R.App.P. 24(a)(3)(A), or of the court's finding that petitioner made no "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(1), and had not demonstrated that resolution of any procedural issue included in petitioner's interlocutory appeal would be debatable among reasonable jurists, Slack v. McDaniel, 529 U.S. 473, 484 (2000).

To the extent petitioner now states she never intended to file an interlocutory appeal when she filed her notice of appeal on February 27, 2007, petitioner is advised that the Tenth Circuit Court of Appeals is the appropriate court to address this concern.

IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (Doc. 32) is denied.

IT IS SO ORDERED.

DATED: This 5th day of April 2007 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge