

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

United States of America,
Plaintiff,

vs.

Case No. 07-10076-01-JTM

Kevin Hinson,
Defendant.

MEMORANDUM AND ORDER

This matter is before the court on the defendant Kevin Hinson's Motion to Alter or Amend the court's earlier ruling (Dkt. 86) rejecting his request for a reduction in sentence pursuant to Sentencing Guidelines Amendment 782. Such a motion to reconsider under FED.R.CIV.PR. 59(e) may be granted to correct manifest errors, or in light of newly discovered evidence; the motion is directed not at initial consideration but reconsideration, and is appropriate only if the court has obviously misapprehended a party's position, the facts, or applicable law, has mistakenly decided issues not presented for determination, or the moving party produces new evidence which it could not have obtained through the exercise of due diligence. *Anderson v. United Auto Workers*, 738 F.Supp. 441, 442 (D. Kan. 1989).

A motion to reconsider is not "a second chance for the losing party to make its

strongest case or to dress up arguments that previously failed." *Voelkel v. GMC*, 846 F.Supp. 1482 (D.Kan.), *aff'd*, 43 F.3d 1484 (10th Cir. 1994). The resolution of the motion is committed to the sound discretion of the court. *Hancock v. City of Oklahoma City*, 857 F.2d 1394, 1395 (10th Cir. 1988).

As the court noted in its earlier order, Hinson's sentence is lower than the low end of his amended guideline range. Therefore, he is ineligible for a further reduction in sentence. U.S.S.G. 1B1.10(b)(2)(A). In his current motion, Hinson presents no substantial argument demonstrating any error in the court's conclusion.

IT IS ACCORDINGLY ORDERED this 28th day of October, 2015, that the defendant's Motion for Reconsideration (Dkt. 87) is hereby denied.

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