IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARCUS WASHINGTON,

                           Petitioner,

       v.   CASE NO. 11-3045-SAC

RAYMOND ROBERTS, et al.,

                           Respondents.

MEMORANDUM AND ORDER

This matter is before the court on petitioner's motion for reconsideration (Doc. 13) and his motion for an extension of time to file the traverse in this matter (Doc. 25).

The court denied the petitioner's motion for an evidentiary hearing on August 4, 2011, finding that petitioner had not supported the request for a hearing with an explanation of the evidence he expected to develop in such a proceeding. Petitioner seeks reconsideration of that denial.

The Federal Rules of Civil Procedure do not recognize a motion to reconsider. However, "a litigant who is subject to an adverse judgment, and who seeks reconsideration of that adverse judgment, may "file either a motion to alter or amend the judgment pursuant to Fed.R.Civ.P. 59(e) or a motion seeking relief from the judgment pursuant to Fed.R.Civ.P. 60(b)." *Van Skiver v. United States,* 952 F.2d 1241, 1243 (10th Cir. 1991).

Generally, such a motion is only appropriate where "the court

has misapprehended the facts, a party's position, or the controlling law." *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). Here, petitioner again fails to identify the specific nature or the relevance of the evidence he seeks, and the court finds no reason to disturb its earlier order denying an evidentiary hearing.

Petitioner also seeks an extension of time to prepare a traverse. The court grants that motion.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for reconsideration (Doc. 13) is denied.

IT IS FURTHER ORDERED petitioner's motion for an extension of time (Doc. 25) is granted. The time for filing a traverse is extended to and including January 22, 2012.

Copies of this order shall be mailed to the parties.

IT IS SO ORDERED.

DATED: This 22nd day of December, 2011, at Topeka, Kansas.

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