

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 17-10004-JTM

GREGGORY K. O'NEAL,
Defendant.

MEMORANDUM AND ORDER

By previous Order (Dkt. 97), the court denied defendant Gregory O'Neal's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). O'Neal has now submitted a motion for reconsideration, in which he seeks leave to submit potential new information about his medical condition. 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).

Although O'Neal writes that he hopes to obtain more complete medical information, he has not done so. More importantly, as noted in the court's prior Order (Dkt. 97, at 2), the mental illnesses which were the focus of O'Neal's motion simply are not COVID-19 risk factors. And even more importantly than that, the defendant's motion ignores the court's express finding that "*even if* the defendant had otherwise

shown that he faced a heightened risk from the virus, release would be inconsistent with § 3553(a),” given the seriousness of the underlying offenses. *Id.* (emphasis in original). The present motion fails to show how this conclusion was in error.

IT IS ACCORDINGLY ORDERED this day of October, 2020, that the defendant’s Motion for Reconsideration (Dkt. 99) is hereby denied.

J. Thomas Marten
J. Thomas Marten, Judge