

through the exercises of due diligence.³ Such motions are not appropriate if the movant only wants the court to revisit issues already addressed or to hear new arguments or supporting facts that could have been presented originally.⁴ Whether to grant or deny reconsideration lies within the court's sound discretion.⁵ The movant has the burden to show an adequate reason to reconsider the prior order of the court.⁶

In her motion for reconsideration, Plaintiff asks the Court to reconsider its order pursuant to D. Kan. Rule 7.3(b)(3), which provides for the need to correct clear error or prevent manifest injustice. In support, Plaintiff states she had open heart surgery recently, which makes her vulnerable to COVID-19.

Although the Court is sympathetic to Plaintiff's health condition, it is not a reason for appointment of an attorney in this case. The Court explained the factors it considers when deciding whether to appoint an attorney in a civil case in its order denying Plaintiff's motion. It specifically found that the factors weighed against appointment of counsel at this stage in the litigation. The Court is cognizant of the COVID-19 pandemic and considers it when deciding how cases will proceed. To that end, the undersigned magistrate judge will consider setting any hearings in this case remotely rather than in-person. In addition, the Court will consider any concerns Plaintiff or Defendant have going forward regarding COVID-19 as it relates to any forthcoming scheduling or discovery. But Plaintiff has failed to show why the pandemic is an adequate reason for reconsideration of the Court's prior order denying appointment of counsel. Nothing in Plaintiff's motion changes the Court's findings with respect to whether Plaintiff's

³ *Comeau v. Rupp*, 810 F. Supp. 1172, 1174–75 (D. Kan. 1992).

⁴ *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991).

⁵ *Rand v. Wolf Creek Nuclear Operating Corp.*, No. 11-4136-KHV, 2012 WL 1154509, at *2 (D. Kan. Apr. 5, 2012).


⁶ *Id.*

claims are straightforward and uncomplicated, and whether Plaintiff has shown sufficient understanding of the rules and procedures to adequately represent herself at this stage of the proceedings.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion to Reconsider (ECF No. 28) is denied.

IT IS SO ORDERED.

Dated August 24, 2020, at Kansas City, Kansas.

A handwritten signature in cursive script, reading "Teresa J. James", is positioned above a horizontal line.

Teresa J. James
U. S. Magistrate Judge