

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STATE OF KANSAS,

Plaintiff,

v.

CASE NO. 21-3113-SAC

CRAIG IVAN GILBERT,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant's motion for reconsideration. In this action, defendant sought to remove a state criminal action to this court. The court remanded the state action and closed this case on April 29, 2021.

On June 23, 2021, the court denied defendant's motions for reinstatement, for a hearing, and to convene a grand jury. On May 11, 2022, defendant filed a second motion for reinstatement, which the court denied on May 31, 2022. Defendant then filed an appeal, which is pending.

"A motion to reconsider must be based on: (1) an intervening change in controlling law; (2) the availability of new evidence, or (3) the need to correct clear error or prevent manifest injustice." D. Kan. R. 7.3(b); see also *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10<sup>th</sup> Cir. 2000) (stating same three grounds for a Rule 59(e) motion to reconsider a non-dispositive order).

A motion for reconsideration is not appropriate to repeat arguments or advance arguments that could have been raised previously. *Servants of Paraclete, id.*

Reconsideration of a judgment after its entry is an

extraordinary remedy that should be used sparingly. *See Templet v. HydroChem, Inc.*, 367 F.3d 473, 479 (5th Cir. 2004); *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1242 (10th Cir. 2006).

The court has reviewed the motion and finds no reason to grant relief.

IT IS, THEREFORE, BY THE COURT ORDERED defendant's motion for reconsideration (Doc. 19) is denied.

**IT IS SO ORDERED.**

DATED: This 30th day of June, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge