

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CRAIG IVAN GILBERT,

Plaintiff,

v.

CASE NO. 21-3156-SAC

SOCIAL SECURITY COMMISSION,

Defendant.

MEMORANDUM AND ORDER

This matter is a civil action filed by a prisoner at the Saline County Jail. The court dismissed this matter on August 11, 2021, after plaintiff failed to show that he had completed relevant administrative procedures. Thereafter, in August and September 2021, the court denied his motions to supplement, for reconsideration, and to be taken into federal custody.

On May 11, 2022, plaintiff filed a motion to reinstate, which the court denied on May 31, 2022. Plaintiff then filed a notice of appeal, and that appeal is pending.

On June 23, 2022, plaintiff filed a motion for reconsideration.

"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 examined the motion and the record but finds no basis for relief. Plaintiff has not met any of the standards identified for seeking reconsideration.

IT IS, THEREFORE, BY THE COURT ORDERED the motion for reconsideration (Doc. 20) is denied.

DATED this 30<sup>th</sup> day of June, 2022, in Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW  
U.S. Senior District Judge