

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STATE OF KANSAS,

Plaintiff,

v.

CASE NO. 22-3102-SAC

CRAIG IVAN GILBERT,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on a motion for reconsideration filed by the defendant, a prisoner at the Saline County Jail.

Defendant commenced this action on May 24, 2022, seeking the removal of an action from state court. On May 26, 2022, the court remanded that action to state court and closed this matter. Defendant then filed a notice of appeal. The appeal was dismissed on June 17, 2022.

Defendant then filed the instant 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 (10th 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 examined the record and finds no basis to grant relief. Plaintiff's arguments are not relevant to the decision to remand the state court action.

IT IS, THEREFORE, BY THE COURT ORDERED the motion for reconsideration (Doc. 13) 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