

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

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|------------------|---|------------------------------|
| MATTHEW E. KOCH, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 2:12-cv-208-JMS-WGH |
| |) | |
| RICHARD BROWN, |) | |
| |) | |
| Respondent. |) | |

Order Denying Motion to Alter or Amend Judgment

Matthew Koch abducted, shot, and mistreated Lien Kim Le in July 2008. He was convicted in Vanderburgh County of battery, kidnapping, and robbery. *See Koch v. State*, No. 82A01-1004-CR-154 (Ind.Ct.App. Aug. 24, 2011). This Court then, after briefing and consideration of the expanded record, denied Koch’s petition for writ of habeas corpus.

Rule 59(e) of the *Federal Rules of Civil Procedure* “authorizes relief when a moving party ‘clearly establish[es] either a manifest error of law or fact’ or ‘present[s] newly discovered evidence.’” *Souter v. International Union*, 993 F.2d 595, 599 (7th Cir. 1993) (quoting *Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)). There was in this case no manifest error of law or fact. The Court did not misapprehend the petitioner’s claims and did not misapply the law to those claims in light of proceedings in the Indiana state courts.

Mr. Koch’s motion to alter or amend judgment [Dkt. 22] is treated as labeled in relation to final judgment issued on April 17, 2013, and as so treated is **denied**. The reason for this ruling is that the action was properly dismissed for the reasons explained in the Entry of April 17, 2013. *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006) (“Altering or amending a judgment under Rule 59(e) is permissible when there is newly discovered evidence or there has

been a manifest error of law or fact.”) (citing *Bordelon v. Chicago Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000)).

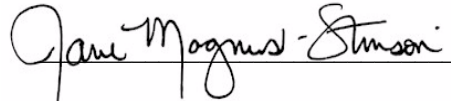
IT IS SO ORDERED.

Date: 05/22/2013

Distribution:

[Electronically Registered Counsel](#)

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Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana