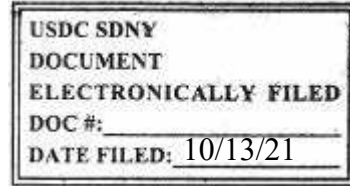


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Quincy Magee,

Plaintiff,

-v-

The Walt Disney Company, et al.,

Defendants.

19-cv-10274 (AJN)

MEMORANDUM
OPINION & ORDER

ALISON J. NATHAN, District Judge:

On September 22, 2021, the Court adopted in full Judge Aaron's report and recommendation to dismiss Mr. Magee's amended complaint. Dkt. No. 126. Mr. Magee on September 23, 2021, filed "objections," to the Court's Memorandum Opinion & Order, Dkt. No. 128, which the Court construed as a motion for reconsideration and denied on September 27, 2021, Dkt. No. 129.

On September 27, 2021, Mr. Magee filed a "Motion to Amend Judgment, and Memorandum Order and Opinion," Dkt. No. 130, as well as a request that a series of "exhibits" sent to this Court via email be filed under seal, Dkt. No. 131. Last, Mr. Magee filed a document labeled "Exhibits" that alleges a conflict of interest involving a former president of ABC. Dkt. No. 132.

The Court evaluates a motion to amend a judgment under Federal Rule of Civil Procedure 59(e) under the same standard as a motion for reconsideration under Local Rule 6.3. *Yelle v. Mount St. Mary Coll.*, No. 18-CV-10927 (PMH), 2021 WL 311213, at *2 n.1 (S.D.N.Y. Jan. 29, 2021). Mr. Magee's motion to amend the judgment raises the same arguments as did his motion for reconsideration and as did his briefing to Judge Aaron. Dkt. No. 130. The Court

therefore DENIES Mr. Magee's motion to amend the judgment for the reasons stated in its prior Orders. *See* Dkt. No. 129, 126; *see also* Dkt. No. 112.

The Court also DENIES Mr. Magee's motion to unseal. As the Court previously explained, "no document previously submitted to the Court ex parte via email will be accepted as an exhibit or considered by the Court unless properly filed on the public docket via ECF or by mailing or emailing to the Court's Pro Se Unit." Dkt. No. 86 at 10; *see also* Dkt. No. 98 ("The Court **will not** accept or consider any further document submitted ex parte by email."). In addition to flagrantly contradicting an express Order of this Court, Mr. Magee's motion fails to make any showing that sealing is appropriate. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006).

Third, to the extent Mr. Magee's "Exhibits" filing makes a request of the Court, it is DENIED as moot because Mr. Magee's claims are fully resolved. As stated in the Court's Order dated September 27, 2021, Mr. Magee may now, if he wishes, file a notice of appeal to the U.S. Court of Appeals for the Second Circuit, provided that he does so in a timely manner pursuant to Federal Rule of Appellate Procedure 4(a). *See* Dkt. No. 129.

Finally, if Mr. Magee continues to make "duplicative and frivolous filings," the Court may impose sanctions, including a filing injunction that prohibits him from making any further filings. *Moates v. Barkley*, 147 F.3d 207, 209 (2d Cir. 1998); *see Duran v. Kiley*, 586 F. App'x 598, 600 (2d Cir. 2013).

This resolves docket numbers 130, 131, and 132.

SO ORDERED.

Dated: October 13, 2021

New York, New York

A handwritten signature in black ink, reading "Alison J. Nathan". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

ALISON J. NATHAN
United States District Judge