

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHNNY GARCIA,

Plaintiff,

VS.

U.S. LOGISTICS, INC. *et al.*,

Defendants.

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CIVIL ACTION NO. H-13-3299

MEMORANDUM AND OPINION

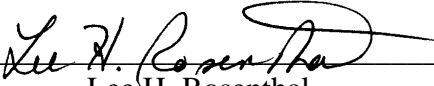
In this breach of contract case, the plaintiff, Johnny Garcia, seeks reconsideration of the court’s May 19, 2014 Memorandum and Opinion granting the summary-judgment motions filed by the defendants, U.S. Logistics Inc. and BAE Systems. Garcia also asks the court to alter or amend the final judgment entered that same day. The defendants responded. (Docket Entry Nos. 35, 36). Based on careful review of the motion and responses, the record, and the applicable law, the court denies the motion, for the reasons explained below.

The Federal Rules of Civil Procedure do not specifically provide for motions for reconsideration. *See St. Paul Mercury Ins. Co. v. Fair Grounds Corp.*, 123 F.3d 336, 339 (5th Cir. 1997) (stating that “the Federal Rules of Civil Procedure do not recognize a general motion for reconsideration”). A motion seeking reconsideration of a judgment is generally considered a motion to alter or amend under Rule 59(e). *T-M Vacuum Products, Inc. v. TAISC, Inc.*, No. 07–cv–4108, 2008 WL 2785636, at *2 (S.D. Tex. July 16, 2008). “A Rule 59(e) motion ‘calls into question the correctness of a judgment.’” *Templet v. HyrdoChem Inc.*, 367 F.3d 473, 478 (5th Cir. 2004) (quoting *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002)). Such a motion allows a

district court to correct a manifest factual error, to correct a manifest legal error, or to introduce newly discovered evidence. *Id.* A motion to reconsider may not be used to relitigate old matters or to raise arguments or present evidence that could have been raised before the judgment was entered. 11 CHARLES A. WRIGHT, ARTHUR R. MILLER, MARY KAY KANE, FEDERAL PRACTICE & PROCEDURE § 2810.1 at 127–28 (2d ed. 1995) (footnotes omitted); *see also Templet*, 367 F.3d at 479.

The grounds for reconsideration Garcia raised in his motion reassert the arguments he raised previously. Garcia has not pointed to a clear error of law or fact that would materially affect the court’s analysis or conclusion. Because Garcia does not present grounds for the relief he seeks, his motion for reconsideration and to alter the final judgment, (Docket Entry No. 33), is denied.

SIGNED on June 19, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge