

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CHRISTOPHER W. ODEN,

Plaintiff,

v.

Civil Action No. **3:17CV489**

ERIC WILSON, et al.,

Defendants.

MEMORANDUM OPINION

Christopher W. Oden, a federal inmate proceeding *pro se* and *in forma pauperis*, filed this *Bivens*¹/Federal Tort Claims Action. By Memorandum Opinion and Order entered on November 25, 2019, the Court dismissed without prejudice all of Oden's claims against Defendant Hadded because Oden failed to serve him in a timely matter. By Memorandum Opinion and Order entered on November 27, 2019, the Court dismissed the remainder of Oden's claims and dismissed the action. On December 12, 2019, Oden moved for reconsideration of the above decisions and the Court's refusal to appoint counsel to assist him.

“[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (citation omitted) (internal quotation marks omitted). The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076,

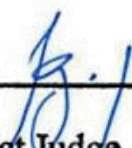
¹ *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

Oden apparently relies upon the third ground. Oden, however, fails to demonstrate the Court committed a clear error of law or that relief under Rule 59(e) is necessary to prevent a manifest injustice. Rather, Oden largely seeks to relitigate old matters already rejected by the Court. Accordingly, Oden's Motion for Reconsideration (ECF No. 85) will be DENIED.

An appropriate Order will accompany this Memorandum Opinion.

Date: 11 May 2020
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge