

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

November 3, 2009

Augustus Hebrew Evans, Jr.
SBI No. 0019
Howard Young Correctional Institution
1301 East 12th Street
Wilmington, DE 19809

RE: Civil Action No. 07C-03-009 THG
Augustus Hebrew Evans, Jr. v. Sgt. Thomas Lee

Dear Mr. Evans:

A Motion to Reargue must be filed within five (5) days of the Court's decision, excluding weekends. Your Motion was mailed on the fifth day, (October 28, 2009) but not received and thus filed until October 29, 2009. See Superior Court Civil Rule 59(e). There are no special rules for you and I am barred by Rule 6(b) from enlarging the five-day period. After five days, I lose jurisdiction.

Regardless, your re-argument is nothing more than a repeat of your previous positions. The Motion for Reargument is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj
cc: Prothonotary

Daniel A. Griffith, Esquire