

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JIMMY LEE ROBERTS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:20-CV-466-WKW
)	[WO]
WALTON ENTERPRISE,)	
)	
Defendant.)	

ORDER

In an order entered on August 5, 2021 (Doc. # 37), for reasons explained therein, the court vacated six orders (Docs. # 6, 11, 16, 23, 32, and 33) and the final judgment (Doc. # 12). After a *de novo* review of the record, the undersigned subsequently ADOPTED and REINSTATED those orders and the final judgment as his own. Plaintiff, proceeding *pro se*, has filed a motion for relief from judgment (Doc. # 38), which is construed as a motion to alter or amend the judgment, *see* Fed. R. Civ. P. 59(e). Pursuant to Rule 59(e) and Rule 62.1(a)(2) of the Federal Rules of Civil Procedure, the motion is due to be denied.¹

Grounds for granting a Rule 59(e) motion are newly discovered evidence and manifest errors of law or fact. *Metlife Life & Annuity Co. of Conn. v. Akpele*, 886

¹ Rule 62.1(a)(2) provides that, “[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may . . . (2) deny the motion. . . .” Fed. R. Civ. P. 62.1(a)(2).

F.3d 998, 1008 (11th Cir. 2018) (citing *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007)). “A Rule 59(e) motion cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to entry of judgment.” *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (cleaned up).

Plaintiff has presented no grounds entitling him to relief under Rule 59(e). He has not submitted newly discovered evidence or shown the existence of an intervening change of controlling law or the need to correct a clear error that resulted in manifest injustice. Accordingly, it is ORDERED that Plaintiff’s motion (Doc. # 38) is DENIED.

The Clerk of the Court is DIRECTED to provide a copy of this Order to the United States Court of Appeals for the Eleventh Circuit.

DONE this 23rd day of August, 2021.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE