

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JERRY LEE HAWKINS

PLAINTIFF

vs.

Civil No. 4:11-cv-4029

LT. STEVEN GLOVER; CPT. JOHNNY
GODBOLT; DR. JOAN MCLEAN; and
CPT. LOUISE PHILLIPS

DEFENDANTS

ORDER

Before the Court are Plaintiff's Motion for Reconsideration and Motion for Judgment as a Matter of Law. (ECF Nos. 60 & 62). Both of these motions ask the Court to reconsider its Order and Judgment Adopting the Report and Recommendation of Magistrate Judge Barry Bryant. (ECF No. 58). When the Court entered its Order and Judgment, it had not yet received Plaintiff's objections to Judge Bryant's report. (ECF No. 57). Since then, the Court received Plaintiff's objections (ECF No. 59) and has now considered them alongside the present motions.

“Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.” *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (quoting *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246 (7th Cir. 1987)); Fed R. Civ. P. 59(e). Rule 59(e) “permits a court to alter or amend a judgment, but it ‘may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.’” *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n. 5, 128 S. Ct. 2605, 171 L. Ed. 2d 570 (2008) (quoting 11 C. Wright & A. Miller, *Federal Practice and Procedure* § 2810.1, pp. 127-28 (2d ed. 1995)).

The Court has carefully reviewed each of Plaintiff's motions and finds no manifest errors of law or fact. This case involves several claims of deliberate indifference against Defendants pursuant to 42 U.S.C. § 1983. Judge Bryant held a hearing on the matter on April 1, 2013 allowing Plaintiff to testify on his own behalf and examine several witnesses in support of his claims. Thereafter, Judge Bryant found, and this Court agreed, that Plaintiff's claims against all Defendants should be dismissed, except for his claims against Defendant Captain Godbolt. Plaintiff received a judgment against Defendant Goldbolt.

Plaintiff now objects to the dismissal of his claims against the other Defendants and the amount of damages awarded against Defendant Godbolt. In his objections, Plaintiff primarily disputes the credibility of the testimony at the April 1, 2013 hearing before Judge Bryant. This objection, however, is insufficient to alter the judgment under Rule 59(e). Plaintiff appears to raise arguments that could have been raised at the hearing or prior to the entry of judgment. Accordingly, the Court finds that Plaintiff's motions for reconsideration (ECF Nos. 60 & 62) should be and hereby are **DENIED**.¹

IT IS SO ORDERED, this 28th day of August, 2013.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

¹ The Court also finds that after considering Plaintiff's objections to Judge Bryant's report (ECF No. 59) as timely, and reviewing the record *de novo*, his objections must be overruled.