

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

LOUIS EDWARD RICHARD

PLAINTIFF

V.

CIVIL NO. 4:14-cv-04027

JANA TALLANT

DEFENDANT

ORDER

Plaintiff, Louis Edward Richard, filed this case *pro se* pursuant to the provisions of 42 U.S.C. § 1983 case. ECF No. 1. The parties consented to the jurisdiction of a Magistrate Judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 16. Before the Court is Plaintiff's Motion for Reconsideration (ECF No.78)¹ of this Court's Judgment dismissing Plaintiff's case.

I held a bench trial in this matter on May 13, 2016 and after considering all of the evidence presented and arguments made, I issued findings of fact and conclusions of law from the bench. In accordance with these findings and conclusions, I dismissed Plaintiff's claims against Jana Tallant with prejudice. The Order dismissing Plaintiff's claims was entered on May 18, 2016. ECF No. 73.

Plaintiff asserts the following in support of his Motion for Reconsideration: (1) "Plaintiff requested a (Jury Trial), and it was the Defendants who (objected) to the (Jury Trial)"; (2) "Plaintiff requested from (Defendants) where does (Dr. Patel) resides....and they stated they don't know";

¹ Plaintiff entitled his Motion as an "Objection to Magistrate Finding and Recommendation". It was entered as a Motion to Reconsider in light of the fact the parties consented to jurisdiction and trial by the Magistrate Judge.

and (3) Plaintiff was never given a time frame by the Court to file any objection to the Magistrate's findings and recommendations to the District Court. ECF No. 78.

The purpose of a Motion for Reconsideration is limited to correcting "manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 441 (8th Cir. 1988) (internal quotations and citations omitted). In this case Plaintiff consented to the jurisdiction of the Magistrate Judge (ECF No. 16). He later filed a Motion to Withdraw Consent (ECF No. 22) which I denied. (ECF No. 25). I also denied two of Plaintiff's motions requesting a jury trial in this matter. ECF Nos. 25, 44. Plaintiff's statement in his Motion for Reconsideration relating to Dr. Patel was adequately addressed during the trial. Finally, a Magistrate Judge does not give Plaintiff a time frame to file objections to the District Court in a consent case. Instead, a plaintiff can appeal the final judgment of the Magistrate Judge to the Eighth Circuit Court of Appeals.² Plaintiff has failed to show any errors of law or fact or to present any newly discovered evidence.

Accordingly, Plaintiff's Motion for Reconsideration (ECF No. 78) is **DENIED**.

IT IS SO ORDERED this 21st day of July 2016.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE

² The Court has previously instructed Plaintiff to file an appeal with the 8th Circuit three times: (1) at the conclusion of the trial; (2) in an Order denying his request for counsel after the trial (ECF No. 75); and (3) in an Order granting Plaintiff an extension of time to file his appeal. ECF No. 77.