

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

**KERRY DAVIS**

**PLAINTIFF**

**v.**

**Civil No. 4:15-cv-04034**

**HEATH ROSS; JAMES SINGLETON;  
JOHNNY GODBOLT and JOAN MCCLAIN**

**DEFENDANTS**

**ORDER**

Plaintiff Kerry Davis filed this civil rights case pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*. Before me is Plaintiff's Motion for Reconsideration (ECF No. 32) of this Court's ruling granting Defendants' Motion for Summary Judgment and dismissing Plaintiff's claims. ECF Nos. 30, 31. The parties have 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. 14.

On December 23, 2015, Defendants filed a Motion for Summary Judgment and a Brief in Support thereof arguing in part Plaintiff's claims should be dismissed for failure to properly exhaust his administrative remedies pursuant to the Prison Litigation Reform Act ("PLRA"). ECF Nos. 18, 19. A hearing was held on April 5, 2016 in this matter. Plaintiff and Counsel for Defendants appeared via video conference. ECF. No. 29. The Court ruled Plaintiff failed to exhaust his administrative remedies prior to bringing his lawsuit in this matter and Defendants were entitled to judgment as a matter of law. ECF Nos. 30-31. As a result, it was not necessary for the Court to address the merits of Plaintiff's claim.

In Plaintiff's Motion for Reconsideration (ECF No. 32) he generally refers to his disagreement with the Court's decision and what he believes to be the unfairness of the court system. ECF No. 32. 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).

Plaintiff has failed to show any errors of law or fact or to present any newly discovered evidence in his Motion for Reconsideration. Plaintiff's disagreement with the Court's decision does not constitute new facts or warrant reconsideration of the Motion. The Court provided Plaintiff with a letter outlining the proper procedures for filing his appeal with the Eighth Circuit on April 19, 2016.

Accordingly, Defendants Motion for Reconsideration (ECF No. 32) is **DENIED**.

**DATED this 18th day of May 2016.**

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