

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

BERNARD BEWRY

v.

PRISONER  
CASE NO. 3:11cv727 (JBA)

COMMISSIONER OF CORRECTIONS

RULING AND ORDER

On May 11, 2011, the court denied the petitioner's motion to proceed in forma pauperis and directed him to tender the \$5.00 filing fee. See Doc. #3. The petitioner now seeks reconsideration of that decision.

The standard for granting a motion for reconsideration is strict. See Schrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). Such a motion generally will be denied unless the "moving party can point to controlling decisions or data that the court overlooked-matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Id. The function of a motion for reconsideration thus is to present the court with an opportunity to correct "manifest errors of law or fact or to consider newly discovered evidence...." LoSacco v. City of Middletown, 822 F. Supp. 870, 876-77 (D. Conn. 1993) (quoting Rothwell Cotton Co. v. Rosenthal & Co., 827 F.2d 246, 251 (7th Cir. 1987)), aff'd, 33 F.3d 50 (2d Cir. 1994).

In his motion, the petitioner acknowledges that he had a balance of \$17.31 in his inmate account at the time he filed his

motion and that he earns \$5.25 per week at his prison job. He states, however, that he spent \$15.90 to mail his documents to the court and that he must purchase hygiene items, pay for copies of documents and buy envelopes.

During the six months prior to commencing this action, the petitioner routinely maintained an account balance of between \$20.00 and \$45.00. The balance sheet indicates that, shortly before filing this action, the plaintiff spent down that balance. In addition, the petitioner already has filed his petition. The court cannot discern what other substantial copies he now requires to prosecute this case or how purchase of envelopes or toiletries would consume his prison salary.

After careful consideration, the petitioner's motion for reconsideration [**doc. #4**] is **DENIED**. The petitioner is directed to tender the \$5.00 filing fee on or before **July 11, 2011**. If the fee has not been received by that date, this action will be dismissed.

It is so ordered.

/s/  
Janet Bond Arterton  
United States District Judge

Dated at New Haven, Connecticut, June 29, 2011.