

Therefore, the Court will deny the Motion as moot.

Defendant filed a Motion for Mandatory Judicial Notice and Request for an Evidentiary Hearing (D.I. 89) to address the issue of “fraudulent, vexatious, and unclean hands actions on behalf of the plaintiff.” The motion is without support and will be denied.

On June 4, 2012, the Court denied Defendant LaMar Gunn’s Motion for an Extension of Time to file a First Amended Answer (D.I. 79). (See 84.) Defendant filed a Notice of Appeal of the Order (D.I. 101) and an Application to Proceed without Prepaying Fees or Costs on Appeal (D.I. 102). The Court denied the Application on July 17, 2012. (See D.I. 103.) Defendant sought reconsideration of the Order denying his Application to Proceed without Prepaying Fees or Costs on Appeal (D.I. 105), which was denied by the Court on August 1, 2012. (See D.I. 108.) Defendant recently filed a Second Motion to Reconsider (D.I. 111). For the reasons discussed below, the Court will deny the Motion.

The purpose of a motion for reconsideration is to “correct manifest errors of law or fact or to present newly discovered evidence.” *Max’s Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). “A proper Rule 59(e) motion . . . must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010).

Defendant seeks reconsideration on the grounds that the Court has misstated his income, that he was granted leave to proceed in forma pauperis in the United States District Court for the Southern District of New York, and that his income continues to decline. (D.I. 111) Defendant’s arguments are similar to those raised in his previous

motion for reconsideration, denied by this Court.

Defendant has failed to demonstrate any of the necessary grounds to warrant reconsideration of the Court's July 17, 2012 Order. Therefore, the Court will deny the Second Motion for Reconsideration.

An appropriate Order will issue.


UNITED STATES DISTRICT JUDGE

September 10, 2012
Wilmington, Delaware