


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORIN TURNER,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 14-276-GMS
)	
WARDEN PIERCE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

At Wilmington this ^{19th} day of , 2017, having considered the plaintiff's filing titled "judicial notice 59(e) new evidence" (D.I. 48);

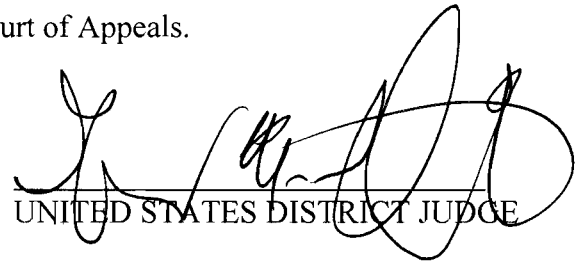
IT IS ORDERED that the filing seeking compensatory and punitive damages (D.I. 48) is **denied**, for the following reasons:

1. The plaintiff, Orin Turner ("Turner"), filed this civil rights action pursuant to 42 U.S.C. § 1983. On June 12, 2017, the court entered a memorandum and order denying the plaintiff's motion for reconsideration of the January 6, 2016 order that granted the defendants' motion to dismiss or, in the alternative, for summary judgment. (D.I. 43.) Turner appealed. (D.I. 45.) On September 18, 2017, the United States Court of Appeals for the Third Circuit granted Turner's motion to dismiss the appeal pursuant to Fed. R. App. P. 42(b). (D.I. 49.) On October 6, 2017, Turner filed the instant motion. (D.I. 48.)

2. To the extent Turner seeks Rule 59(e) relief in this court, his motion is untimely. A Rule 59(e) motion to alter or amend the judgment must be filed no later than 28 days after the entry of the judgment. In the instant case, the last order entered this case was filed on June 12,

2017, and the filing (D.I. 48) before the court was filed in October 2017, some three months after the 28 day deadline.

3. It does not appear that the instant filing is directed to the order entered by the Court of Appeals. However, to the extent that is Turner's intent, this court lacks jurisdiction to reconsider an order entered by the Third Circuit Court of Appeals.



UNITED STATES DISTRICT JUDGE