

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CARLOS ORTIZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 16-181-LPS
	:	
KARL HALLER, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM

I. BACKGROUND

On November 10, 2016, the Court dismissed Plaintiff’s complaint as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and § 1915A(b)(1). (See D.I. 7, 8) Plaintiff moves for reconsideration. (D.I. 9)

II. LEGAL STANDARDS

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 motion for reconsideration is the “functional equivalent” of a motion to alter or amend judgment under Fed. R. Civ. P. 59(e). See *Jones v. Pittsburgh Nat’l Corp.*, 899 F.2d 1350, 1352 (3d Cir. 1990) (citing *Federal Kemper Ins. Co. v. Rauscher*, 807 F.2d 345, 348 (3d Cir. 1986)).

“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) (citing *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)).

III. DISCUSSION

In dismissing Plaintiff's Complaint, the Court reviewed Plaintiff's allegations and the applicable law. The Court has again reviewed Plaintiff's Complaint and the instant motion and finds that Plaintiff has failed to demonstrate any grounds to warrant reconsideration of the Court's November 10, 2016 Order.

IV. CONCLUSION

For the reasons set forth above, the Court will deny Plaintiff's motion for reconsideration.

(D.I. 9)

A separate Order will be entered.

Dated: January 9, 2017


UNITED STATES DISTRICT JUDGE

