

In this case, Plaintiff cites three reasons why reconsideration is appropriate in this case. First, Plaintiff argues that there is no evidence of when Defendant contacted his supervisor to discuss Plaintiff's request to be moved, so the Court's finding that the Defendant quickly responded to Plaintiff's request is clear error. As explained by the Court in its prior Order, Defendant states in his Affidavit that he contacted his supervisor by radio transmission to discuss Plaintiff's request to be removed from his cell, spoke to his supervisor about the situation for less than three minutes, and then immediately returned to Plaintiff's cell. Accordingly, there is evidence that Defendant quickly responded to Plaintiff's request.

Second, Plaintiff argues that the Court erred because it did not address Plaintiff's argument that Defendant was deliberately indifferent for leaving Plaintiff alone in his cell. Again, as explained in the Court's prior Order, to sustain a deliberate indifference claim a plaintiff must establish that the prison official in question both was aware that the inmate faced "a substantial risk of serious harm" and "disregard[ed] that risk by failing to take reasonable measures to abate it." Farmer v. Brennan, 511 U.S. 825, 847 (1994). Although Defendant may not have done everything exactly the way Plaintiff would have preferred, Defendant's actions cannot be classified as deliberately indifferent.

Third, Plaintiff claims that in paragraph twelve of Plaintiff's Response to Defendant's Statement of Undisputed Material Facts, he states that "Defendant stated under oath that Defendant called Lt. Kitchens from the control booth." Because the Court found that there was no evidence that disputed Defendant's assertion that his supervisor contacted him by telephone, Plaintiff argued the Court erred. Upon review of Plaintiff's Response to Defendant's Statement of Undisputed Material Facts (Doc. 41-3), the Court can find no such statement. The document to which Plaintiff refers contains eight paragraphs and primarily consists of short statements admitting various

allegations asserted by Defendant.

As explained herein, Plaintiff's Motion for Reconsideration (Doc. 65) and Plaintiff's Supplemental Motion for Reconsideration (Doc. 67) are **DENIED**.

SO ORDERED this 11th day of November, 2008.

/s/ C. Ashley Royal
C. ASHLEY ROYAL
United States District Judge

SCS/ssh