

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WASEEM DAKER,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	CIVIL No: 5:12-CV-459-CAR-MSH
BRIAN OWENS, et al.,	:	
	:	
Defendants.	:	

ORDER

Presently pending before the Court is *pro se* Plaintiff Waseem Daker’s motion to vacate the Court’s May 8, 2017 Order and Judgment denying Plaintiff’s numerous motions (including various motions for preliminary injunction) and dismissing Plaintiff’s Amended Complaint with prejudice. Plaintiff has filed this motion (ECF No. 401) pursuant to Federal Rule of Procedure 59(e).¹

The Court recognizes three circumstances that warrant reconsideration of a prior order under Rule 59(e): “(1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or manifest injustice.” *Daker v. Humphrey*, Civil Action No. 5:12-CV-461 (CAR), 2013 WL 1296501, at *2 n.1 (M.D. Ga. Mar. 27, 2013) (quoting *Fla. College of Osteopathic Med., Inc. v. Dean Witter*, 12 F.

¹ Plaintiff has filed four notices of appeal related to the Court’s May 8, 2017 Order and Judgment. Although the first notice of appeal was filed approximately one month before Plaintiff’s motion to vacate, the Court concludes it has jurisdiction to address the Plaintiff’s Rule 59(e) motion for the reasons stated in its May 8, 2017 Order. *See* ECF No. 388 at 2-4.

Supp. 2d 1306, 1308 (M.D. Fla. 1998)). Plaintiff has not identified any intervening change in the law or new evidence that affects his claims. The Court thus presumes that Plaintiff's Rule 59(e) motion for reconsideration is based on his belief that there is a need for the Court to correct clear errors or manifest injustice in this case.

As Plaintiff has been previously advised, ““motions for reconsideration are disfavored”” and ““relief under Rule 59(e) is an extraordinary remedy to be employed sparingly.”” *Mercer v. Perdue Farms, Inc.*, No. 5:10-cv-324 (CAR), 2012 WL 1414321, at *1 (M.D. Ga. Apr. 20, 2012) (quoting *Krstic v. Princess Cruise Lines, Ltd.*, 706 F. Supp. 2d 1271, 1282 (S.D. Fla. 2010)). Plaintiff appears to contend his motion to vacate the Court's May 8, 2017 Order and Judgment should be granted because he alleges Defendants continue to forcibly shave him and have injured him during that process. ECF No. 401 at 1. Plaintiff also suggests that venue may be appropriate as to various Georgia Department of Corrections (“GDC”) Defendants because they “were part of a GDC inspection team that threatened Plaintiff in Reidsville” and because Plaintiff remains “in GDC custody and subject to GDC rules, policies, and customs.” *Id.* at 2.

Plaintiff's Amended Complaint was dismissed as a sanction for his “blatant disregard for the Court's Orders, procedures, and resources,” and his motions for injunctive relief were dismissed because (1) they sought the same or similar relief as had been addressed by the Court on multiple occasions and/or (2) Plaintiff had failed to show a likelihood of success on the merits because his Amended Complaint was dismissed. ECF No. 388 at 17. The allegations in Plaintiff's motion to vacate do not demonstrate that the Court clearly erred in rendering its decision or that Plaintiff has suffered a

manifest injustice as a result. Nothing in the Court's order prevents Plaintiff from filing a new civil rights complaint regarding the conduct complained about in Plaintiff's motion to vacate. The Court accordingly **DENIES** Plaintiff's motion (ECF No. 401).

SO ORDERED, this 17th day of July, 2017.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT