IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

Albert Thomas, :

Plaintiff,

:

v. : CIVIL ACTION NO.

1:96-cv-00527-JOF

Georgia State Board of Pardons And

Paroles, et al.,

:

Defendants. :

OPINION & ORDER

This matter is before the court on Plaintiff's motion for reconsideration [106].

On March 1, 1996, Plaintiff filed the instant suit pursuant to 42 U.S.C. § 1983 against multiple Defendants, alleging various causes of action. After several motions were filed, the court narrowed Plaintiff's complaint to his claim that Defendants had denied him annual parole reconsideration hearings under an unconstitutional retroactive application of amended regulations of the Georgia State Board of Pardons and Paroles ("the Board"). In 1999, the court found that the retroactive application in Plaintiff's circumstances was unconstitutional and ordered yearly review of Plaintiff's parole status. After a brief period where the Board failed to conduct yearly reconsideration, Plaintiff's status has been considered on a regular basis and the Board has continued to deny Plaintiff's request for parole. The court has

issued a series of orders since that time rejecting Plaintiff's additional claims for relief. *See* Orders dated Feb. 4, 2003; Mar. 12, 2003; July 28, 2003; Jan. 14, 2004; Mar. 5, 2004; June 16, 2004; Nov. 2, 2004; and Feb. 1, 2005.

In his latest motion for reconsideration, Plaintiff avers that the composition of the Georgia Board of Pardons and Paroles is unconstitutional because it does not have a full five member board. He asks that the court immediately release him. The court has repeatedly told Plaintiff that this case has been closed and to the extent Plaintiff wishes to raise new claims – and his assertion that the composition of the Board is unconstitutional is a new claim – Plaintiff needs to file a new complaint. The court will not allow Plaintiff to raise new claims in this closed case through a motion for reconsideration.

For these reasons, the court DENIES Plaintiff's motion for reconsideration [106]. IT IS SO ORDERED this 3rd day of May 2010.

/s J. Owen Forrester
J. OWEN FORRESTER
SENIOR UNITED STATES DISTRICT JUDGE

¹Although difficult to determine, Plaintiff makes some comments concerning whether he has been reviewed for parole in 2009 and 2010. It is not clear whether he contends he was not considered at all or whether he was considered and denied.