IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA BRUNSWICK DIVISION

CARLOS ALVAREZ,)
Petitioner,)
v .) CIVIL ACTION NO.: CV214-070
SUZANNE HASTINGS, Warden,))
Respondent.	,

ORDER

Presently before the Court is Petitioner Carlos Alvarez's ("Alvarez") Motion for Reconsideration of the undersigned's Order dated October 21, 2014. In that Order, the undersigned adopted the recommendation of the Magistrate Judge, over Alvarez's Objections, and granted Respondent's motion to dismiss Alvarez's 28 U.S.C. § 2241 petition. Alvarez contends that the Court denied him the right to be heard in a meaningful manner. Alvarez contends that he was sentenced in excess of the statutory maximum.

A motion for reconsideration, or a Federal Rule of Civil Procedure 59(e) motion, is "an extraordinary remedy, to be employed sparingly." Smith ex rel. Smith v. Augusta-Richmond Cnty., No. CV 110-126, 2012 WL 1355575, at *1 (S.D. Ga. Apr. 18, 2012) (internal citation omitted). "A movant must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." Id. (internal citation omitted).

"The only grounds for granting a Rule 59 motion are newly-discovered evidence or manifest errors of law or fact." <u>Jacobs v. Tempur-Pedic Intern., Inc.</u>, 626 F.3d 1327, 1344 (11th Cir. 2010) (quoting <u>In re Kellogg</u>, 197 F.3d 1116, 1119 (11th Cir. 1999) (internal punctuation omitted). "A Rule 59(e) motion cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment." <u>Id.</u> (quoting <u>Michael Linet, Inc. v. Village of Wellington, Fla.</u>, 408 F.3d 757, 763 (11th Cir. 2005) (alterations omitted).

A review of Alvarez's Motion reveals that his Motion is nothing more than a request asking the undersigned to re-examine the previous unfavorable ruling dated October 21, 2014. (Doc. No. 15). Alvarez fails to show that the undersigned made a manifest error of law or fact. Additionally, Alvarez fails to show that he could not have presented his contentions previously. In fact, Alvarez made these same contentions in his original petition and in his Objections to the Magistrate Judge's Report and Recommendation. Alvarez's Motion is **DENIED**. The undersigned's Order dated October 21, 2014, remains the Order of the Court. This case shall remain closed.

SO ORDERED, this 14 day of January /, 2015.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA