

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

MARK DAMON WILLIAMS

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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CV 216-098

O R D E R

Before the Court is Movant's motion for reconsideration of the Order adopting the Magistrate Judge's Report and Recommendation. (Doc. 16.) For the following reasons, Movant's motion is **DENIED**.

Movant Mark Damon Williams was sentenced to 188 months in prison under the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e). Movant filed this action to vacate his sentence on June 27, 2016, eleven years after his conviction. The Magistrate Judge recommended dismissing this case because Movant's action was filed more than one year after his conviction had become final and therefore was untimely pursuant to 2255(f)(1). (Doc. 8.) That recommendation was adopted on March 9, 2018. (Doc. 14.) Movant now asks the Court to reconsider its Order pursuant to Federal Rule of Civil Procedure 59(e).

Relief under Rule 59(e) is only appropriate when the moving party shows: (1) there has been a change in law; (2) new evidence is available; or (3) reconsideration is necessary to correct a clear error or to prevent manifest injustice. McCoy v. Macon Water Auth., 966 F. Supp. 1209, 1223 (M.D. Ga. 1997). Here, Movant provides no explanation for why his case should not be barred as untimely. Instead, Movant only asks the Court to let his case proceed "in the interest of justice." (Doc. 16, at 1.) However, the Magistrate Judge already considered and decided that Movant was not entitled to equitable tolling. Given that movant does not allege any new issues the Court has not already considered, he has not shown that he is entitled to relief under Rule 59(e). See Jones v. Southern Pan Servs., 450 F. App'x 860, 863 (11th Cir. 2012) (finding that Rule 59(e) is not a vehicle for a party relitigate an issue the court has already decided).

Upon due consideration, Movant's motion for the Court to reconsider its Order adopting the Magistrate Judge's Report and Recommendation (doc. 16) is **DENIED**.

ORDER ENTERED at Augusta, Georgia this 13th day of July,
2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA