

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
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IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

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SO. DIST. OF GA.

DOUGLAS BRITT WILLIAMSON,

Plaintiff,

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v.

CV 318-041

COUNTY OF JOHNSON; DEPT.
GEORGIA CORRECTION; KEITH
MILNER; MARTHA WALSH; JIMMY
HENSLEY; COUNTY OF BARTOW;
WARDEN ANTOINE CALDWELL;
JOHNSON STATE PRISON,

Defendants.

ORDER

Pending before the Court is Plaintiff's motion for reconsideration. (Doc. No. 12.) Plaintiff's motion asks the Court to reconsider its Order entered August 28, 2018, that dismissed his claim without prejudice. For the following reasons, Plaintiff's motion is **DENIED**.

Plaintiff filed the instant action on June 5, 2018, and simultaneously filed a motion to proceed *in forma pauperis* ("IFP"). (Doc. Nos. 1, 2.) The United States Magistrate Judge granted Plaintiff's motion to proceed IFP and ordered Plaintiff to submit his Prisoner Trust Fund Account Statement ("Account Statement") and Consent to Collection of Fees from Trust Account ("Consent Form") within thirty days. (Doc. No. 4, at 3.) Plaintiff did not

comply with this Order, despite being warned that failure to submit the documents would cause his case to be dismissed. He did, however, submit his Account Statement thirteen days late. (Doc. No. 7.)

On July 16, 2018, the Magistrate Judge entered a Report and Recommendation ("R&R") that Plaintiff's case be dismissed without prejudice for failure to submit the necessary documents. (Doc. No. 5.) Plaintiff objected to that R&R on the grounds that the Business Office at Johnson State Prison withheld the documents from him and is solely to blame for the late submission. The Court considered those objections and overruled them in an Order entered August 28, 2018. (Doc. No. 10.) The Court noted that Plaintiff still had not submitted his Consent Form that was provided to him by the Magistrate Judge on June 7th.

Now Plaintiff asks the Court to reconsider its prior decision. Plaintiff repeats the same arguments he made in his objection to the R&R, namely that the Business Office at Johnson State Prison withheld documents from him for multiple weeks. Although not cited in the motion, the Court will construe the motion for reconsideration under Federal Rule of Civil Procedure 59.

A motion for reconsideration of a civil judgment may be filed within twenty-eight days of entry of the judgment. FED. R. CIV. PRO. 59(e). "The only grounds for granting a rule 59(e) motion are newly discovered evidence or manifest error of law or fact."

Arthur v. King, 500 F.3d 1335, 1343 (11th Cir. 2007). A Rule 59(e) motion is not intended as a vehicle to re-litigate old matters, raise new arguments, or present evidence that could have been raised prior to the entry of judgment. Michael Linet, Inc. v. Village of Wellington, Fla., 408 F.3d 757, 763 (11th Cir. 2005).

Accompanying Plaintiff's motion are two documents, an updated Account Statement and a Request to Proceed *In Forma Pauperis* form. (Doc. Nos. 13, 14.) Plaintiff submitted the IFP form in lieu of a Consent Form, claiming that was the only document available to him. An IFP form, however, cannot act as a substitute for a Consent Form. Moreover, a Consent Form was provided to Plaintiff with the Magistrate Judge's June 7th Order. (Doc. No. 4.) By submitting his Account Statement twice, Plaintiff has demonstrated the ability to provide the Court with requested documents, regardless of issues with the Business Office. Thus, his repeated failure to submit the Consent Form cannot be excused. Because Plaintiff repeats the same arguments already made, his motion presents no newly discovered evidence, nor has he demonstrated any error of law or fact. As such, Plaintiff's motion for reconsideration is denied.

The Court notes that dismissal of Plaintiff's claim is without prejudice and nothing in this Order or prior Orders puts any additional restrictions on him pursuing this claim in a new case.

Plaintiff must simply be willing to comply with the instructions of this Court in a complete and timely fashion.

Upon due consideration, Plaintiff's motion for reconsideration (doc. no. 12) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 14 day of October, 2018.


UNITED STATES DISTRICT JUDGE