

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 3817
	)	(01 CR 1115)
ALFREDO LONGORIA,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Alfredo Longoria ("Longoria") is truly indefatigable. Just one day after this Court issued a brief memorandum order ("Order") dispatching what it thought was his most recent filing, it received in chambers a document captioned "Defendant's Rule 59(e) Motion To Alter or Amend Judgment" that had been received in the Clerk's Office the same day as the Order: September 24, 2008. In terms of that date of receipt, the motion would appear to have been untimely under the non-extendable limitation prescribed in Fed. R. Civ. P. 59(e). But Longoria's certificate of service asserts that he had delivered the motion to the prison staff at USP Pollock, Louisiana (where he is in custody), and if that is true the "mailbox rule" set out in Houston v. Lack, 487 U.S. 266 (1988) would avoid that timing problem.

So this Court turns to the motion itself. As before, and for the same reasons identified in the Order and this Court's earlier orders, it rejects both Longoria's self-serving version of the evidence adduced during his sentencing hearing and his

groundless accusations of bias and prejudice. Accordingly Longoria's newest motion (seeking disqualification under 28 U.S.C. §455(b)(1), reinstatement of his 28 U.S.C. §2255 motion and a referral to a Magistrate Judge) is denied in its entirety.



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Milton I. Shadur  
Senior United States District Judge

Date: September 25, 2008