

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	Samuel Der-Yeghiayan	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	10 C 3823	<b>DATE</b>	8/9/2010
<b>CASE TITLE</b>	Anthony J. Brodzki vs. Vera Kapka		

### DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion for reconsideration [8] is denied.

■ [ For further details see text below.]

Docketing to mail notices.

### STATEMENT

This matter is before the court on Plaintiff Anthony J. Brodzki's (Brodzki) *pro se* motion for reconsideration. On June 30, 2010, we dismissed the instant action since Brodzki had failed to state a valid claim in his *pro se* complaint, even when liberally construing the complaint. Brodzki now objects to that ruling and requests that the court reconsider that ruling. Federal Rule of Civil Procedure 59(e) (Rule 59(e)) permits parties to file, within 28 days of the entry of a judgment, a motion to alter or amend the judgment. Fed. R. Civ. P. 59(e). Rule 59(e) motions do not give a party the opportunity to rehash old arguments or to present new arguments or evidence "that could and should have been presented to the district court prior to the judgment." *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996)(citing *LB Credit Corp. v. Resolution Trust Corp.*, 49 F.3d 1263, 1267 (7th Cir. 1995)). Rather, for a Rule 59(e) motion, the movant "must clearly establish either a manifest error of law or fact or must present newly discovered evidence" in order to be successful. *LB Credit Corp.*, 49 F.3d at 1267 (quoting *Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)).

In the instant motion, Brodzki continues to provide facts concerning certain pictures and claims that he has been subjected to emotional distress. However, even when liberally construing Brodzki's motion for

**STATEMENT**

reconsideration, Brodzki has not shown that the court erred in dismissing the instant action. Nor has Brodzki explained how he stated a valid claim against Defendant Vera Kapka. Therefore, we deny the motion for reconsideration.