

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

## **MEMORANDUM ORDER**

This is one of two cases, in each of which a motion by a prisoner plaintiff seeks to rehash his or her unsuccessful efforts for relief from a state court conviction and the resulting sentence that he or she is serving, has landed on this Court's desk at the same time. In this instance Terrence Mack ("Mack") has filed a pro se "Motion to vacate Judgement [sic] and to amend the initial petition (complaint) Rule 59(e)" (the "Motion"), in which his attempted attack calls into play the principle stated in felicitous terms more than three decades ago by Judge Dortch Warriner in Above the Belt, Inc. v. Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983):

The motion to reconsider would be appropriate where, for example, the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension. A further basis for a motion to reconsider would be a controlling or significant change in the law or facts since the submission of the issue to the Court. Such problems rarely arise and the motion to reconsider should be equally rare.

Here it remains true that Mack's 28 U.S.C. § 2254 petition is hopelessly out of time, and this Court's earlier query of defense counsel as to whether defendants would waive the statute of

limitations defense to the petition brought a negative answer to that question. In short, Mack's Motion (Dkt. No. 15) is groundless, and it is denied.



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Milton I. Shadur  
Senior United States District Judge

Date: June 22, 2017