**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BETTY D. COOK,

        Plaintiff,

      v.   **No. 09-133-DRH**

ILLINOIS DEPARTMENT
OF CORRECTIONS,

        Defendant.

O R D E R

Pending before the Court is Cook's motion for modification/clarification/correction of the record (Doc. 116). Specifically, Cook moves the Court to amend the record to include a record of arbitration. She claims that this record was not available to her during the trial process. Based on the following, the Court denies the motion.

The Federal Rules of Appellate Procedure allow for the record on appeal to be supplemented under certain situations:

> If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded by the district court before or after the record has been forwarded.

Fed. R.App. P. 10(e)(2). The purpose of Rule 10(e) is to ensure that the court on appeal has a complete record of the proceedings leading to the ruling appealed from, not to facilitate collateral attacks on the verdict. "Rule 10(e) does not give this court

authority to admit on appeal any document which was not made a part of the record in the district court." *Borden Inc. v. Federal Trade Commission*, 495 F.2d 785, 788 (7th Cir. 1974). *Republic Steel Corporation v. Pennsylvania Engineering Corporation*, 785 F.2d 174, 179 n. 6 (7th Cir.1986);*United States v. Hillsberg*, 812 F.2d 328, 336 (7th Cir.1987).

Here, nothing Cook seeks to add to the record was omitted from the record by mistake or accident. This Court has no authority to enlarge the record on appeal to include material that was not before it, and could not have been before it, at the time its decision was rendered. Accordingly, the Court **DENIES** Cook's motion (Doc. 116).

IT IS SO ORDERED.

Signed this 2nd day of November, 2012.

Digitally signed by
David R. Herndon
Date: 2012.11.02
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Chief Judge
United States District Court