

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

CHRISTOPHER J. HOWARD, #B- 86767)	
)	
)	
Petitioner,)	Case No. 11-cv-244-DRH
)	
vs.)	
)	
DONALD A. HULICK,)	
)	
)	
Respondent.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is before the Court on plaintiff’s motion for a new trial (Doc. 39). Plaintiff filed this motion pursuant to Federal Rule of Civil Procedure 59, challenging this Court’s order denying petitioner’s request for summary judgment (Docs. 22, 27).

A motion for a new trial filed pursuant to Rule 59 may be granted for “any reason for which a new trial has heretofore been granted.” FED. R. CIV. P. 59(a). A motion for a new trial must be filed within 28 days after judgment has been entered. FED. R. CIV. P. 59(b).

The order being challenged in this motion was docketed on September 6, 2011. Thus, to be timely, petitioner’s motion would needed to have been filed by October 4, 2011. The instant action was not filed until November 21, 2011, well

past the 28 day window. Therefore, the instant motion (Doc. 39) is **DENIED**.

IT IS SO ORDERED.

Dated: November 23, 2011

/s/ DavidRHerndon

**Chief Judge
United States District Court**