

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

JESSE C. PHILLIPS,

Plaintiff,

vs.

PHILIP B. MARTIN, *et al.*,

Defendants.

Case No. 13-cv-69-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Jesse C. Phillips' Rule 60(b) motion to reconsider this Court's order dated October 25, 2013, wherein this Court denied Phillips' motion for partial summary judgment (Doc. 100). Defendant Philip B. Martin has filed his response (Doc. 101). For the following reasons, the Court denies Phillips' motion.

Pursuant to Federal Rule of Civil Procedure 60(b), a court may reconsider an order for the following reasons: "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence . . .; [and] (3) fraud . . ., misrepresentation, or misconduct by an opposing party." It is well settled that Rule 60(b) relief is an extraordinary remedy and is granted only in exceptional circumstances. *McCormick v. City of Chicago*, 230 F.3d 319, 327 (7th Cir. 2000) (citing *Dickerson v. Board of Educ.*, 32 F.3d 1114, 1116 (7th Cir. 1994)). Rule 60(b) allows a court "to address mistakes attributable to special circumstances and not merely to erroneous applications of law." *Russell v. Delco Remy Div. of General Motors Corp.*, 51 F.3d 746, 749 (7th Cir. 1995). The rule authorizes a Court to grant relief from an order for the specific reasons listed in the rule but does not authorize action in response to general pleas for relief. *See Young v. Murphy*, 161 F.R.D. 61, 62 (N.D. Ill. 1995). It is also not an appropriate vehicle for addressing simple legal error, for rehashing old arguments, or for presenting arguments that

should have been raised before the court made its decision. *Russell*, 51 F.3d at 749; *Rutledge v. United States*, 230 F.3d 1041, 1052 (7th Cir. 2000); *Young*, 161 F.R.D. at 62; *In re Oil Spill by "Amoco Cadiz,"* 794 F. Supp. 261, 267 (N.D. Ill. 1992), *aff'd*, 4 F.3d 997 (7th Cir. 1993) (Table).

Here, Phillips asserts that the Court misread his motion for partial summary judgment and proceeds to rehash the same arguments set forth in his original motion for partial summary judgment. After a review of the motion, the Court concludes it did not misread Phillips' motion, and Phillips fails to set forth a reason sufficient to justify relief under Rule 60(b). Accordingly, this Court **DENIES** Phillips' motion to reconsider (Doc. 100).

IT IS SO ORDERED.

DATED: November 14, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE