

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

JAMES EUGENE HOTCHKISS,

Plaintiff,

v.

TAMMY PITTAYATHIKHAN,

Defendant.

Case No. 3:17-cv-00887-JPG-RJD

MEMORANDUM AND ORDER

In this prisoner case, the Court granted summary judgment to the defendant because the plaintiff failed to exhaust his administrative remedies: he failed to appeal his initial grievance to a Grievance Officer, the Chief Administrative Officer, or the Administrative Review Board for a final decision, which is a requirement of the exhaustion process. *Dole v. Chandler*, 438 F.3d 804, 806–07; 20 ILL. ADM. CODE § 504.850(a). Plaintiff James Eugene Hotchkiss has now filed a motion for reconsideration—which the Court construes as a timely motion under Federal Rule of Civil Procedure 59(e)—in which he basically argues that (1) he was not aware of the exhaustion requirements; and (2) if the Court had appointed him counsel in this case, he would have known about those requirements—among other miscellaneous arguments. (ECF No. 41.)

None of Hotchkiss’s arguments satisfy his burden under Rule 59(e), which allows the Court to amend a judgment if the movant “can demonstrate a manifest error of law or present newly discovered evidence.” *Obriecht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008); *see also Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006) (this form of relief is only available if the movant clearly establishes the manifest error). Rather than clearly establishing any manifest errors of law or fact, Hotchkiss has only presented excuses as to why he did not exhaust his administrative remedies prior to filing suit. The Court must **DENY** his motion for

reconsideration. (ECF No. 41.) And because this case is closed and the Court has already entered judgment in favor of the defendant, the Court must also **DENY** Hotchkiss's motion for summary judgment. (ECF No. 42.)

IT IS SO ORDERED.

DATED: OCTOBER 24, 2018

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