

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ROOSEVELT WILLIAMS,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:11-CV-290 PS
)	
SUPERINTENDENT, Indiana)	
State Prison,)	
)	
Respondent.)	

OPINION AND ORDER

Petitioner Roosevelt Williams, a prisoner confined at the Indiana State Prison, submitted a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, challenging the loss of earned credit time in a prison disciplinary proceeding [DE 1]. The Court reviewed Williams’s petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases, and denied him leave to proceed on ground three in which he asserted that he was denied an impartial decision-maker [DE 3].

The Petitioner filed a motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e), asking the Court to reinstate this ground [DE 4]. Because no final judgment has been entered in this case, the Court will treat the Petitioner’s submission as a Motion for Relief from Order pursuant to Fed. R. Civ. P. 60.

Altering or amending judgment under Rule 59(e) is permissible when there is newly discovered evidence or there has been a manifest error of law or fact. Vacating a judgment under Rule 60(b) is permissible for a variety of reasons, including mistake, excusable neglect, newly discovered evidence and fraud. While the two rules have similarities, “Rule 60(b) relief is an extraordinary remedy and is granted only in exceptional circumstances.” Rule 59(e), by contrast, requires that the movant “clearly establish” one of the aforementioned grounds for relief.

Harrington v. City of Chicago, 433 F.3d 542, 546 (7th Cir. 2006) (citations omitted).

The Petitioner's submissions do not state any specific reasons why the Court's Rule 4 order dismissing ground three of his petition was in error, and he has not established any ground for relief. Accordingly, the Court will deny the Petitioner's motion for relief from order.

For the foregoing reasons, the court **DENIES** the Petitioner's motion for relief from order [DE 4].

SO ORDERED.

ENTERED: January 5, 2012

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT