

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

THOMAS M. JAMES,)	
)	
Plaintiff,)	
vs.)	1:09-cv-1204-WTL-TAB
)	
DR. ELI LORENZO, et al.,)	
)	
Defendants.)	

Entry Discussing Motion to Reconsider

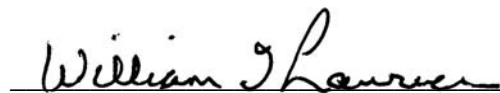
A motion to reconsider is designed to correct manifest errors of law or fact or to present newly discovered evidence. *Publishers Resource, Inc. v. Walker-Davis Publications, Inc.*, 762 F.2d 557, 561 (7th Cir. 1985). For example, a motion for reconsideration is appropriate when: (1) a court has patently misunderstood a party; (2) a court has made a decision outside the adversarial issues presented; (3) a court has made an error not of reasoning but of apprehension; or (4) a change in the law or facts has occurred since the submission of the issue. On the other hand, a motion for reconsideration is an "improper vehicle to introduce evidence previously available or to tender new legal theories." *Bally Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 404 (7th Cir. 1986).

Plaintiff Thomas M. James seeks reconsideration of the rulings in the Entry of July 30, 2010. This request (dkt 41) is **denied**. First of all, the dismissal of legally insufficient claims was mandatory pursuant to 28 U.S.C. § 1915A(b). *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). Secondly, James has shown no sound basis on which the dismissal of such claims could be reconsidered. *See Patel v. Gonzales* 442 F.3d 1011, 1015-1016 (7th Cir. 2006) ("A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . ."). In other words, the claims dismissed as legally insufficient were properly understood and dismissed.

Finally, James is notified that if during the course of discovery he is able to identify a person previously named as "all others acting in concert," "ABC-XYZ Corp." or "all black and white entities A-Z" nothing in the Entry of July 30, 2010, prohibits him from timely seeking to amend the complaint to include such person(s) pursuant to Rule 15 of the *Federal Rules of Civil Procedure*.

IT IS SO ORDERED.

Date: 09/29/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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