

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

JAMES RICKETTS,)	
)	
Plaintiff,)	
vs.)	1:09-cv-1410-WTL-DML
)	
MICHAEL J. ASTRUE,)	
)	
Defendant.)	

Entry Directing Further Proceedings

I.

The date a post-judgment motion is filed is significant. *See Hope v. United States*, 43 F.3d 1140, 1142 (7th Cir. 1994). So too, of course, is the content of such motion. Given the timing of the plaintiff’s motion to correct errors relative to the entry of final judgment, the motion is treated as a motion pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure*. *See Borrero v. City of Chicago*, 456 F.3d 698, 701-02 (7th Cir. 2006) (explaining that whether a motion filed within the time period contemplated by Rule 59(e) should be analyzed under Rule 59(e) or Rule 60(b) of the *Federal Rules of Civil Procedure* depends on the *substance* of the motion, not on the timing or label affixed to it). The purpose of a motion to alter or amend judgment under Rule 59(e) is to have the court reconsider matters "properly encompassed in a decision on the merits." *Osterneck v. Ernst and Whinney*, 489 U.S. 169, 174 (1988).

The Court of Appeals has explained that there are only three valid grounds for a Rule 59(e) motion--newly-discovered evidence, an intervening change in the law, and manifest error in law. *See Cosgrove v. Bartolotta*, 150 F.3d 729, 732 (7th Cir. 1998).

II.

Equipped with the information provided in Part I of this Entry, the plaintiff shall have **through June 10, 2010**, in which to **supplement** his motion to correct errors in such a fashion as to justify relief pursuant to Rule 59(e). If such a supplement is filed, the Commissioner shall have **through June 23, 2010**, in which to respond.

IT IS SO ORDERED.

Date: 06/01/2010



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

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