

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

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

ENTRY

I.

Plaintiffs Ricketts was given a period of time in which to supplement this post-judgment motion. That motion was filed on May 27, 2010, and related to the Judgment of May 18, 2010, affirming the decision of the Commissioner of the Social Security Administration determining that the plaintiff had received an overpayment of \$13,009.00 in Social Security benefits for the period from January 2004 through June 2006. The court determined in Part I of the Entry of June 1, 2010, that the post-judgment motion would be treated as a motion to alter or amend judgment.

Mr. Ricketts has not availed himself of the opportunity to supplement his post-judgment motion by providing any reason for the relief he seeks.

II.

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).

There was in this case no manifest error of law or fact. The court did not misapprehend the plaintiff's claim, nor did it misapply the law to that claim in light of the expanded record and the applicable law. Accordingly, the post-judgment motion to correct errors, treated as a motion to alter or amend judgment, (dkt 25) is **denied**.

III.

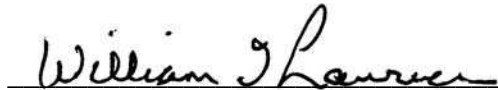
The plaintiff's filing of May 27, 2010, also includes his unmistakable language indicating his desire to appeal the final judgment. The filing of the timely Rule 59 motion

suspended the finality of the Judgment. The ruling on the Rule 59 motion leaves the Judgment undisturbed.

The plaintiff's filing of May 27, 2010, shall now be **docketed and processed as the plaintiff's notice of appeal.**

IT IS SO ORDERED.

Date: 07/12/2010

A handwritten signature in cursive script that reads "William T. Lawrence". The signature is written in black ink and is positioned above a horizontal line.

Distribution:

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