UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

KEVIN BLEVINS MAMON,   )
)
                Plaintiff,   )
vs.   )   No. 1:10-cv-051-SEB-DML
)
FRANK ANDERSON, et al.,   )
)
             Defendants.   )

Entry Discussing Motion for Relief From Judgment

This cause is before the court on the plaintiff's motion for relief from judgment (dkt 7). That motion was filed with the clerk on February 8, 2010, and is directed to the Judgment entered on the clerk's docket on January 26, 2010, dismissing the action pursuant to 28 U.S.C. § 1915A.
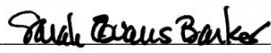
Given the timing of the plaintiff's motion for relief from judgment relative to the entry of final judgment, and given the arguments set forth in such motion, the motion is treated as a motion pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure. See Borrero v. City of Chicago,* 456 F.3d 698, 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).

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 applicable law. Accordingly, the post-judgment motion for relief from judgment (dkt 7) is **denied.**

       IT IS SO ORDERED.

Date: 02/10/2010

                                           SARAH EVANS BARKER, JUDGE
                                           United States District Court
                                           Southern District of Indiana

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