

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

KEVIN CHANDLER,)	
)	
	Petitioner,)
vs.)	1:13-cv-838-TWP-DML
)	
DUSHAN ZATECKY,)	
)	
	Respondent.)

E N T R Y

Based on its timing and content, the petitioner's motion for reconsideration is treated as a motion to alter or amend judgment 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 frame 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). Rule 59(e) "authorizes relief when a moving party 'clearly establish[es] either a manifest error of law or fact' or 'present[s] newly discovered evidence.'" *Souter v. International Union*, 993 F.2d 595, 599 (7th Cir. 1993) (quoting *Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)).

There was in this case no manifest error of law or fact. In his action for habeas corpus relief the petitioner challenges the action taken against him in disciplinary action No. ISR 12-09-0092. This is the same disciplinary action challenged in this Court's Case No. 1:13-cv-207-

TWP-DKL. Because the present action is duplicative of No. 1:13-cv-207-TWP-DKL, it was properly dismissed. Accordingly, the motion to reconsider [dkt 4], treated as a motion to alter or amend judgment, is **denied**.

The **clerk shall** include a copy of the docket sheet in No. 1:13-cv-207-TWP-DML and a copy the petition for a writ of habeas corpus in that action [dkt 1] with the petitioner's copy of this Entry.

IT IS SO ORDERED.

Date: 06/21/2013

Distribution:

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Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.