

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Entry Denying Motion to Reconsider

This matter is before the Court on Plaintiff Donyall White's motion for reconsideration of the denial of his motion for summary judgment on his claims against defendant Vicki Poore.

Motions to reconsider a summary judgment ruling are brought under Federal Rule of Civil Procedure 54(b), which permits revision of non-final orders. *Galvan v. Norberg*, 678 F.3d 581, 587 n.3 (7th Cir. 2012). “[M]otions to reconsider an order under Rule 54(b) are judged by largely the same standards as motions to alter or amend a judgment under Rule 59(e).” *Woods v. Resnick*, 725 F.Supp.2d 809, 827 (W.D.Wis. 2010). The Seventh Circuit has summarized the role of motions to reconsider as follows:

A motion for reconsideration performs a valuable function where the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension. A further basis for a motion to reconsider would be a controlling or significant change in the law or facts since the submission of the issue to the Court.

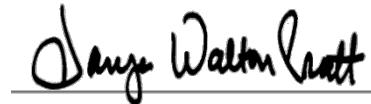
Bank of Waunakee v. Rochester Cheese Sales, Inc., 906 F.2d 1185, 1191 (7th Cir. 1990) (citations omitted). As argued in his motion for summary judgment, White contends that Poore was deliberately indifferent to his serious medical needs. While that may be true, Poore has presented

sufficient evidence to suggest that she was not deliberately indifferent. Poore is reminded that when considering a summary judgment motion, the facts are reviewed in the light most favorable to the nonmoving party, in this case White, and the Court draws all reasonable inferences in the White's favor. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *Zerante v. DeLuca*, 555 F.3d 582, 584 (7th Cir. 2009). Summary judgment was denied because there are disputed issues of material facts that must be resolved by the trier of fact.

To prevail on a motion to reconsider, White must show that the summary judgment ruling was based on an error of fact or law or that the Court misunderstood his motion. He has not shown any of these things. White may eventually prevail on his claims against Poore, but he has not shown that he is entitled to judgment as a matter of law. Accordingly, the motion to reconsider [dkt 44] is **denied**.

IT IS SO ORDERED.

Date: 2/23/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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