

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

KOFI MODIBO AJABU,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:16-cv-02613-TWP-DKL
	)	
HAMILTON COUNTY PROSECUTOR'S	)	
OFFICE,	)	
WAYNE STURTEVANT former Hamilton	)	
County Prosecutor,	)	
KEN ROBERTS Kofi Ajabu's defense	)	
attorney,	)	
ROBERTS & BISHOP LAW OFFICE,	)	
ESTATE OF KEVIN SCIONTI deceased, Kofi	)	
Ajabu defense attorney,	)	
SONIA LEERKAMP former Hamilton County	)	
prosecutor,	)	
BRUCE LEMMONS Commissioner, Indiana	)	
Department of Corrections,	)	
ERIC K. KOSELKE appeals attorney,	)	
	)	
Defendants.	)	

**ENTRY**

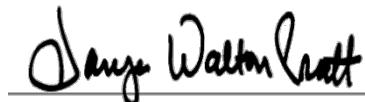
This matter is before the Court on Plaintiff Kofi Modibo Ajabu's motion to reconsider the denial of his motion for entry of default after final judgment was entered in this case. (Dkt. 45). "Rule 59(e) allows a court to amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence." *Heyde v. Pittenger*, 633 F.3d 512, 521 (7th Cir. 2011) (internal quotation omitted); *United States v. Resnick*, 594 F.3d 562, 568 (7th Cir. 2010). "A manifest error is not demonstrated by the disappointment of the losing party. It is the wholesale disregard, misapplication, or failure to recognize controlling precedent." *Oto v. Metropolitan Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (internal quotations omitted). "Relief under Rules 59(e)

and 60(b) are extraordinary remedies reserved for the exceptional case...." *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008).

In denying Ajabu's request for entry of default against defendant Eric Koselke, the Court explained that Koselke was not in default because he filed a timely notice of automatic initial extension of time. As previously explained, although the Federal Rules of Civil Procedure do not allow for an automatic initial extension of time, this Court's Local Rule 6-1 specifically allows for initial automatic extensions of time. In its Entry dated February 1, 2017 (Dkt. 41) the Court explained that over Ajabu's objection, entry of default was not legally appropriate.

To prevail on a motion to reconsider, Ajabu must show that the ruling denying an entry of default judgment was based on an error of fact or law or that the Court misunderstood his motion. Ajabu has demonstrated no manifest error of law or fact and therefore the motion to reconsider [dkt 45] is **denied**.

**IT IS SO ORDERED.**



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

Date: 2/23/2017

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