

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

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|-----------------------|---|---------------------|
| JONATHAN LYNCH, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | 2:09-cv-278-WTL-TAB |
| |) | |
| OFC. HUFFMAN, et al., |) | |
| |) | |
| Defendants. |) | |

Entry Concerning Selected Matters

I.

This cause is before the court on the plaintiff's request to vacate (dkt 14). That motion was filed with the clerk on December 3, 2009 and is directed to the Judgment entered on the clerk's docket on November 17, 2009, dismissing the action pursuant to 28 U.S.C. § 1915A.

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)). 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 to vacate (dkt 14) is **denied**.

II.

After judgment is entered, the complaint can only be amended with "leave of court" and after a successful Rule 59(e) or Rule 60(b) motion. *Amendola v. Bayer*, 907 F.2d 760, 765 n. 5 (7th Cir. 1990) (citing *Twohy v. First Nat'l Bank of Chicago*, 758 F.2d 1185, 1196 (7th Cir. 1985)). Here, plaintiff's post judgment motion has been denied, and thus his request for leave to amend (dkt 15) must also be **denied**.

IT IS SO ORDERED.



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

Date: 12/03/2009

Distribution:

Jonathan Lynch
DOC #966882
Putnamville Correctional Facility
1946 West U.S. 40
Greencastle, IN 46135