

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

DANIEL REESE FUQUAY, SR.,)	
)	
Plaintiff,)	
vs.)	No. 3:09-cv-166-WTL-WGH
)	
ERIC WILLIAMS, et al.,)	
)	
Defendants.)	

ENTRY

A motion to reconsider is designed to correct manifest errors of law or fact or to present newly discovered evidence. *Publishers Resource, Inc. v. Walker-Davis Publications, Inc.*, 762 F.2d 557, 561 (7th Cir. 1985). For example, a motion for reconsideration is appropriate when: (1) a court has patently misunderstood a party; (2) a court has made a decision outside the adversarial issues presented; (3) a court has made an error not of reasoning but of apprehension; or (4) a change in the law or facts has occurred since the submission of the issue. On the other hand, a motion for reconsideration is an "improper vehicle to introduce evidence previously available or to tender new legal theories." *Bally Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 404 (7th Cir. 1986).

The plaintiff seeks reconsideration of the dismissal of certain claims in the Entry of May 27, 2010, but he does so to no avail. First of all, the dismissal of legally insufficient claims was mandatory pursuant to 28 U.S.C. § 1915A(b). *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). Secondly, the plaintiff has shown no sound basis on which the dismissal of such claims could be reconsidered. See *Patel v. Gonzales* 442 F.3d 1011, 1015-1016 (7th Cir. 2006) ("A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . ."). Accordingly, the motion to reconsider (dkt 36) is **denied**.

IT IS SO ORDERED.

07/12/2010

Date: _____



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

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