

UNITED STATES DISTRICT COURT
EASTERN DIVISION OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

PAULA B. BROWN,)
)
Plaintiff,)
)
v.)
)
LEXINGTON-FAYETTE URBAN)
COUNTY GOVERNMENT, et. al.,)
)
Defendants.)
)

Civil Case No.
5:08-cv-500-JMH

MEMORANDUM OPINION & ORDER

This matter is before the Court on Plaintiff's motion to alter or amend the Judgment (D.E. 123) and Memorandum Opinion and Order (D.E. 122) granting summary judgment to Defendants. Plaintiff filed this motion under Fed. R. Civ. P. 52(b), but because this action was dismissed at the summary judgment stage, and a trial was not held, the motion is properly considered under Rule 59(e).

"A motion under Rule 59(e) is not an opportunity to re-argue a case." *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998) (citing *FDIC v. World Univ. Inc.*, 978 F.2d 10, 16 (1st Cir. 1992)). Instead, a Rule 59(e) motion may only be granted if "there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to

prevent manifest injustice." *GenCorp, Inc. v. American Intern. Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999).

The Court has reviewed the materials presented by Plaintiff and her counsel. Plaintiff fails to satisfy any of the above grounds, and, instead, merely repeats evidence that this Court previously considered when it granted Defendants' Motion for Summary Judgment. (D.E. 111).

Accordingly, **IT IS ORDERED** that Plaintiff's Motion to Amend, Alter or Vacate (D.E. 124) be, and the same hereby is, **DENIED**.

This the 6th day of December, 2012.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge