

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

BRIAN CAMUEL,)	
)	
Plaintiff,)	Civil Case No. 5:17-cv-495-JMH
)	
V.)	
)	MEMORANDUM OPINION AND ORDER
THE KROGER COMPANY,)	
)	
Defendant.)	

*** *** *** ***

The Court evaluates a motion to reconsider a final order or judgment as a motion to alter or amend a judgment pursuant to Fed. R. Civ. P. 59. *See Keith v. Bobby*, 618 F.3d 594, 598 (6th Cir. 2010) (citing *Intera Corp. v. Henderson*, 428 F.3d 605, 611 (6th Cir. 2005)); *Lonardo v. Travelers Indem. Co.*, 706 F. Supp.2d 766, 808 (N.D. Ohio 2010). A court may grant a Rule 59(e) motion if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in the law; or (4) a need to prevent manifest injustice. *See Intera Corp.*, 428 F.3d at 620 (citing *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999)); *see also Lonardo*, 706 F. Supp.2d at 808-09.

Plaintiff's Motion to Reconsider [DE 12; Response at DE 13] the Court's September 28, 2018 Memorandum Order and Opinion Judgment [DE 10 and 11] does nothing more than reargue his previous response to the Defendant's Motion to Dismiss. He does not identify a clear error of law, newly discovered evidence, an

intervening change in the law, or a need to prevent manifest injustice that would merit reconsideration.

Accordingly, Plaintiff's Motion to Reconsider [DE 12] is **DENIED.**

This the 17th day of January, 2019.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge