

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

KIMBERLY FREEMAN

PLAINTIFF

v.

CIVIL ACTION NO. 3:17CV-422-JHM

COMMONWEALTH OF KENTUCKY et al.

DEFENDANTS

MEMORANDUM AND ORDER

By Memorandum Opinion and Order entered December 5, 2017, the Court dismissed the instant action on initial review of the complaint and its multiple amendments pursuant to 28 U.S.C. § 1915(e) (DNs 30 & 31). Thereafter, Plaintiff filed a pro se motion to reinstate case, to repeal, and to state a claim (DN 35). Because Plaintiff filed her motion within 28 days of the Court's dismissal Order, the Court construes the motion as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure.

A court may grant a Rule 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice. *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999) (citations omitted). Rule 59(e) motions "are not at the disposal of an unsuccessful party to 'rehash' the same arguments and facts previously presented." *Rouse v. Nielsen*, 851 F. Supp. 717, 734 (D.S.C. 1994) (quoting *Keyes v. Nat'l R.R. Passenger Corp.*, 766 F. Supp. 277, 280 (E.D. Pa. 1991)).

Upon consideration, the Court finds Plaintiff's motion to be without merit.

Consequently, **IT IS ORDERED** that the Rule 59(e) motion (DN 35) is **DENIED**.

Plaintiff also filed two amended complaints (DNs 37 & 39). The Court construes those filings as motions for leave to amend the complaint. “Amendments after judgment should only be allowed if the standards under Rule 59(e) or 60(b) are met.” *Russell v. GTE Gov’t Sys. Corp.*, 141 F. App’x 429, 436 (6th Cir. 2005). Here, the Court has denied Plaintiff’s Rule 59(e) motion, and Plaintiff has not moved for relief under Rule 60(b).

IT IS THEREFORE ORDERED that Plaintiff’s motions for leave to amend the complaint (DNs 37 & 39) are **DENIED**.

Date: April 10, 2018


Joseph H. McKinley, Jr., Chief Judge
United States District Court

cc: Plaintiff, pro se
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