

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH

JESSE R. MCNUTT

PLAINTIFF

v.

CIVIL ACTION NO. 5:12CV-29-R

ROBERT JEFFREY HINES

DEFENDANT

MEMORANDUM AND ORDER

This Court entered a Memorandum Opinion and Order on March 6, 2012, dismissing the instant action upon the initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997) (DNs 4 and 5). The Court dismissed the action on grounds that Defendant, a state-court special judge, is entitled to absolute judicial immunity in regards to Plaintiff's claims. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Subsequently, Plaintiff filed a "motion to amend" citing Fed. R. Civ. P. 15(a)(1), which governs amendments to pleadings. Because Plaintiff's case was dismissed prior to the filing of this motion to amend, **IT IS ORDERED** that the motion (DN 6) is **DENIED as moot**.

Moreover, to the extent that Plaintiff seeks to amend this Court's Order dismissing the action, the Court construes the motion as a motion to alter or amend a judgment under Fed. R. Civ. P. 59(e). Having reviewed Plaintiff's motion, the Court finds no reason to alter or vacate its prior decision. Accordingly, Plaintiff's motion to amend (DN 6) is **DENIED**.

Date: March 23, 2012


Thomas B. Russell, Senior Judge
United States District Court

cc: Plaintiff, *pro se*
Defendant

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