

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**DAVID R. SINGLETON**

**CIVIL ACTION**

**VERSUS**

**NO. 04-798**

**VENETIA T. MICHAEL, WARDEN**

**SECTION "C"**

**ORDER AND REASONS**

Before the Court is petitioner's "Motion for Out of time Appeal of the Court's Denial of Appellants Writ of Habeas Corpus November 10, 2004, in the Interest of Justice." In the accompanying letter dated May 14, 2008, petitioner states that he is seeking reconsideration of this Court's previous ruling (Rec. Doc. 13) denying his petition for habeas corpus on the basis of untimeliness and alternatively, procedural default.<sup>1</sup>

Alteration or amendment of a previous ruling under Rule 59(e) "calls into question the correctness of a judgment." *Tremplet v. HydroChem Inc.*, 367 F.3d 473, 478 (5th Cir.2004). This specific motion serves "the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence." *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir.1989) (internal quotations omitted). As such, it must be used sparingly. *Clancy v. Employers Health Ins. Co.*, 101 F.Supp.2d 463, 465 (E.D.La.2000).

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<sup>1</sup> The petitioner also submitted another letter to the Court, with many of the same allegations, on July 16, 2008.

Petitioner has failed to demonstrate a manifest error of law or fact or present newly discovered evidence that undermines this Court's 2004 ruling finding petitioner's writ of habeas corpus untimely and alternatively, procedurally defaulted.

Accordingly,

Petitioner's motion is DENIED.

New Orleans, Louisiana, this 31st day of August, 2009.

  
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**HELEN G. BERRIGAN**  
**UNITED STATES DISTRICT JUDGE**