

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LOUISIANA
2009 JUL -9 P 2:25
F. J. ...

WALTER EDWARD JOHNSON, JR. (#104558)

VERSUS

CIVIL ACTION

JOE LAMARTINIERE, ET AL

NUMBER 09-176-JVP-DLD

RULING

This matter is before the court on the plaintiff's Motion to Modify Judgment to Allow for Amendment of Petition, and to Reconsider which shall be treated as a Motion for New Trial pursuant to Rule 59, Federal Rules of Civil Procedure. Record document number 14.

Judgment was entered on June 26, 2009, dismissing this matter pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

On July 2, 2009, the plaintiff moved to have the entry of judgment set aside on the grounds that the court failed to consider the allegations raised in the amended complaint filed June 22, 2009.


Contrary to the plaintiff's assertion, the court considered the allegations raised in the plaintiff's amended complaint and dismissed the claims as frivolous.¹

Plaintiff has failed to satisfy the prerequisites necessary to be relieved from judgment. Accordingly, the plaintiff's motion for

¹ Record document number 12.

new trial pursuant to Rule 59(a) is denied.

Baton Rouge, Louisiana, July 9, 2009.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA