

OCT - 8 2015

TONY R. MOORE, CLERK

BY \_\_\_\_\_



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

WILLIE DELORES KING

CIVIL ACTION NO. 1:14-1249

VERSUS

JUDGE JAMES T. TRIMBLE, JR.

CHRISTUS HEALTH, ET AL

MAG. JUDGE KIRK

.....  
MEMORANDUM ORDER

Before the court is a "Motion for New Trial" (R. #36) wherein the plaintiff moves for a new trial pursuant to Federal Rule of Civil Procedure 59 as to the undersigned's Memorandum Ruling and Judgment<sup>1</sup> issued on August 5, 2015. In that ruling and judgment, the court dismissed the instant matter, concluding that there was no genuine issue of material fact for trial; we held that plaintiff failed to establish a prima facie case of disability discrimination under the ADA and LADL. Specifically, plaintiff failed to show that she was qualified for employment as an LPN at Christus and further she failed to show that she was not offered reasonable accommodation following her injury, surgery and post-surgical leave.

Plaintiff has filed the instant motion for new trial pursuant to Rule 59 (e) of the Federal Rules of Procedure. Relief under this rule is permitted in "narrow circumstances."<sup>2</sup> Rule 59 (e) motions may only be granted if the moving party demonstrates that (1) there was a manifest error of law or fact, or (2) presents newly discovered evidence that could not have been discovered previously.<sup>3</sup> "[A] motion to alter or amend the judgment under Rule 59(e) must clearly establish either a manifest error of law or fact or must present newly discovered

<sup>1</sup> R. #34 and #35.

<sup>2</sup> Templet v. Hydrochem, Inc., 367 F.3d 473, 479 (5th Cir. 2004).

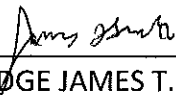
<sup>3</sup> Id. at 478-79.

evidence and cannot be used to raise arguments which could, and should, have been made before the judgment issued.”<sup>4</sup>

The court has carefully considered and reviewed the memoranda filed by the parties and finds that King is merely making the same arguments she made in her opposition to the motion for summary judgment filed by defendants. King fails to establish any manifest error of law or fact, and King fails to present any newly discovered evidence. Accordingly, it is

**ORDERED** that the motion for new trial is hereby **DENIED**.

**THUS DONE AND SIGNED** in chambers on this 8<sup>th</sup> day of October, 2015.

  
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JUDGE JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT COURT

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<sup>4</sup> United Way of Greater Houston, 607 F.3d 413, 419 (5th Cir. 2010).