

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RICKEY WAYNE GIPSON

CIVIL ACTION NO. 11-cv-1954

VERSUS

JUDGE ELIZABETH ERNY FOOTE

WARDEN, WINN CORRECTIONAL
CENTER

MAGISTRATE JUDGE MARK HORNSBY

ORDER

Before the Court is Plaintiff's Request for Reconsideration of the Court's denial of his earlier "request for relief from judgment." [Record Document 44]. When denying Plaintiff's "request for relief from judgment" on timeliness grounds, the Court took the precaution of ruling on the substance of Plaintiff's claim. [Record Document 43 at 2–4]. For the reasons explained in that order, the Court **DENIES** the instant Request for Reconsideration.

Although a district court may construe as a notice of appeal a filing made during the period of time in which a party may appeal a judgment, the document so construed "must specifically indicate the litigant's intent to seek appellate review." *Smith v. Barry*, 502 U.S. 244, 248–49 (1992) (citing *Foman v. Davis*, 371 U.S. 178, 179–80 (1962); *Torres v. Oakland Scavenger Co.*, 487 U.S. 312, 317–318 (1988)); see *United States v. Knight*, No. CR. C-06-546 (3), 2007 WL 1231679, at *1 (S.D. Tex. Apr. 24, 2007) (refusing to construe as a notice of appeal a letter "filed within the time-frame for seeking an appeal" but that did not "reference an appeal or indicate an intent to appeal"). Plaintiff's Request for Reconsideration does not manifest an intent to appeal. Plaintiff may appeal the Court's judgment by following the proper procedure for an appeal.

In light of the foregoing, Plaintiff's Request for Reconsideration [Record Document 44] is

DENIED.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 23 day of October, 2017.

ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE

A large, stylized handwritten signature in blue ink, consisting of a large loop at the bottom and a smaller loop at the top, positioned below the printed name and title.