

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SAMUEL OLEKANMA
:
:
v. : Civil Action No. DKC 15-0984
:
JOHN S. WOLFE, Warden, Jessup
Correctional Facility, et al. :

MEMORANDUM OPINION

Plaintiff has filed a motion for relief from judgment. (ECF No. 82). For the following reasons, the motion will be denied.

A party may move to alter or amend a judgment under Fed.R.Civ.P. 59(e), or for relief from a judgment or order under Fed.R.Civ.P. 60(b). A motion to alter or amend filed within 28 days of the judgment is analyzed under Rule 59(e); if the motion is filed later, Rule 60(b) controls. *MLC Auto, LLC v. Town of S. Pines*, 532 F.3d 269, 280 (4th Cir.2008); *Graves v. One W. Bank, FSB*, No. DKC-13-3343, 2014 WL 994366, at *1 n.2 (D.Md. Mar. 13, 2014). Although Plaintiff purports to bring his motion for reconsideration under Rule 60(b)(3) and (b)(6), because it was filed within twenty-eight days of entry of the underlying order, it is properly analyzed under Rule 59(e). See *Robinson v. Wix Filtration Corp. LLC*, 599 F.3d 403, 412 (4th Cir.2010).

Courts have recognized three limited grounds for granting a motion for reconsideration pursuant to Rule 59(e): (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. *United States ex rel. Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (citing *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998), *cert. denied*, 538 U.S. 1012 (2003)).

Plaintiff's motion does not satisfy the standard of Rule 59(e). Although styled under Rule 60(b), Plaintiff's motion amounts to an argument that there was fraud which led to a manifest injustice. Plaintiff, however, has failed to identify any actions that would amount to fraud or any manifest injustice in the judgment. Therefore, Plaintiff's motion will be denied.

/s/

DEBORAH K. CHASANOW
United States District Judge