

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS VERTIN, #135167,

Plaintiff,

v.

CASE NO. 2:13-CV-15110
HONORABLE GERSHWIN A. DRAIN

MICHAEL P. HATTY,

Defendant.

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ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

This matter is before the Court on Plaintiff's motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e) concerning the Court's opinion and order denying his application to proceed without prepayment of fees and costs and dismissing without prejudice his 42 U.S.C. § 1983 civil rights complaint.

A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The Court properly ruled on Plaintiff's application to proceed without prepayment of the filing fee based upon Plaintiff's pleadings and financial information. Plaintiff informed the Court that he has received over \$940.00 from family, that he has an average monthly deposit of \$172.74 to his prison account, and that he had a current spendable balance of \$408.49 in

his prison account as of December 9, 2013 when a prison administrative officer certified his financial statement. The fact that Plaintiff paid to copy and mail his pleadings to the Court does not invalidate the Court's ruling. Requiring him to pay the filing fee in full will not force him to go without necessary incidentals. Accordingly, the Court **DENIES** Plaintiff's motion to alter or amend judgment.

IT IS SO ORDERED.

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2014