

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY AARON, #275291,

Plaintiff,

v.

JOHN TYLUKI, et al.,

Defendants.

CIVIL ACTION NO. 12-14866

DISTRICT JUDGE JOHN CORBETT O'MEARA

MAGISTRATE JUDGE R. STEVEN WHALEN

ORDER

Plaintiff Jeffrey Aaron has filed the following motions:

- (1) Rule 59(e) Motion to Alter or Amend a Judgment for Dkt #61 "Order" Dated 7/7/15 [Doc. #62];
- (2) Motion for Sanctions [Doc. #64]; and
- (3) Motion to Correct Cover Page [Doc. #66].

As to the request to amend the judgment under Fed.R.Civ.P. 59(a), the Plaintiff seeks to amend a discovery *order* [Doc. #61], not a *judgment*. Therefore, there is no basis to apply Rule 59. A request to alter or amend a discovery order is properly made by way of a motion for reconsideration. Under E.D. Mich. L.R. 7.1(g)(3), a motion for reconsideration may not be granted unless the moving party shows that there is a "palpable defect by which the court and the parties have been misled." Having reviewed the order, the Plaintiff's motion, and the Defendant's response, I find no such defect.

Therefore, Plaintiff's motion to amend [Doc. #62] will be DENIED.

Plaintiff's motion for sanctions is premised on his allegation that the Defendants have not complied with this Court's discovery order. But they have. *See Defendants' Response* [Doc. #68]. Plaintiff's motion for sanctions [Doc. #64] will be DENIED AS MOOT.

Plaintiff's motion to amend the cover page of his motion for sanctions [Doc. #66] will also be DENIED AS MOOT, since the underlying motion is being denied.

IT IS THEREFORE ORDERED that Plaintiff's motion to amend [Doc. #62] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion for sanctions [Doc. #64] and motion to correct [Doc. #66] are DENIED AS MOOT.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: January 28, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on January 28, 2016, electronically and/or by U.S. mail.

s/C. Ciesla
Case Manager