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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

KIRBY TATE PLAINTIFF

V. NO. 4:08CV073-P-D

EARNESTINE STARKS, et al.

DEFENDANTS

ORDER

This cause is before the court on Plaintiff's motion to reopen. This matter was initiated on

June 6, 2008, pursuant to 42 U.S.C. § 1983. Plaintiff's complaint included claims for, inter alia,

retaliation and denial of access-to-the-courts for which Plaintiff was seeking monetary damages and

equitable relief. Following a motion for summary judgment and motion to dismiss, the Magistrate

Judge issued a Report and Recommendation suggesting that judgment should be entered for the

Defendants. On March 30, 2009, the court granted summary judgment by adopting the Magistrate

Judge's recommendations and closed the case.

Plaintiff has now moved to reopen the case setting for very specific and expansive arguments

in opposition to the grant of summary judgment. These same arguments were before the Magistrate

Judge when he issued the Report and Recommendation. As before, after reviewing the original

pleadings as well as the motions and the applicable law, the court concludes that the March 30,

2009, order was correct in law and fact and that Plaintiff has failed to produce a factual or legal basis

to alter the court's ruling. Therefore, Plaintiff's motion to reopen (docket entry 55) is DENIED. The

motions for leave to file (docket entries 57 and 58) are DENIED AS MOOT.

SO ORDERED, this the 16th day of April, 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE