

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

**ELBERT DAVIS**

**PLAINTIFF**

**v.**

**No. 4:19CV60-RP**

**CIRCUIT COURT OF WASHINGTON COUNTY, ET AL.**

**DEFENDANTS**

**ORDER DENYING PLAINTIFF'S MOTION [14]  
TO ALTER OR AMEND JUDGMENT**

This matter comes before the court on the plaintiff's motion for reconsideration of the court's July 1, 2019, order dismissing the instant case as untimely filed. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e), which must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5<sup>th</sup> Cir. 2003). The plaintiff has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). As such, the plaintiff's request to alter or amend judgment is **DENIED**.

**SO ORDERED**, this, the 27th day of March, 2020.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE