

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MEMORANDUM AND ORDER

This Court granted summary judgment to the defendants on August 23, 2013 (#64).

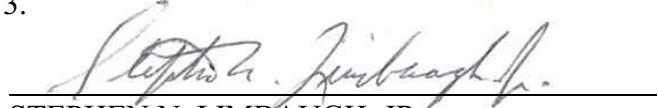
Plaintiff, who is incarcerated at the Potosi Correctional Center (“PCC”) brought this 42 U.S.C. § 1983 action against defendant employees of the Missouri Department of Corrections (“MDOC”), and he now moves the Court to alter, amend, or set aside the judgment pursuant to Federal Rule of Civil Procedure 59(e) (#66). “Rule 59(e) motions serve a limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” *Innovative Home Health Care, Inc. v. P.T.-O.T. Associates of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998) (quotation omitted). “Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” *Id.*

Plaintiff's motion raises no errors of law or fact but rather reargues points already made during the briefing of the defendants' summary judgment motion or raises issues that are not material to the Court's decision.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion to Alter, Amend, or Set Aside the Court's Judgment (#66) is **DENIED**.

Dated this 13th day of November, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE