

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

LARRY LEE COLEMAN,

Petitioner,

v.

JAY CASSADY,

Respondent.

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No. 4:17-cv-734-DDN

MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Alter or Amend Judgment, filed by petitioner Larry Lee Coleman. (Docket No. 12).

Petitioner is in state custody pursuant to a 1999 state court judgment. In 2005, he filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, which was denied following the determination that the claims raised were either procedurally barred or meritless. *See Coleman v. Roper*, 4:05-cv-613-TCM (E.D. Mo. May 6, 2005).

In this case, petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and also sought relief pursuant to 28 U.S.C. § 1651. The Court dismissed the petition after determining that petitioner was not entitled to relief under § 2241 or § 1651. The Court also determined that, to the extent petitioner attempted to seek relief pursuant to 28 U.S.C. § 2254, the petition was subject to dismissal because he had not received authorization from the Eighth Circuit Court of Appeals to file a successive petition.


Petitioner then filed a motion for relief from judgment, seeking relief pursuant to Fed. R. Civ. P. 60(b)(6), arguing that his case should have been addressed on the merits. The Court denied the motion. In the motion now before the Court, petitioner moves for relief pursuant to

Fed. R. Civ. P. 59(e). Having carefully considered the motion, the Court determines that there is nothing upon which relief can be granted. *See U.S. v. Metropolitan St. Louis Sewer Dist.*, 440 F.3d 930, 933 (8th Cir. 2006) (setting forth the function of a Rule 59(e) motion and what must be shown in order to prevail).

Accordingly,

IT IS HEREBY ORDERED that petitioner's Motion to Alter or Amend Judgment (Docket No. 12) is **DENIED**.

Dated this 21st day of March, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE