koeD 12 ooD

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

NATHANIEL DECKARD, JR.,) CASE NO. 8:09C	V348
)	
Petitioner,)	
)	
V.) MEMORANDU	M
) AND ORDER	2
NEBRASKA BOARD OF PAROLE,)	
)	
Respondent.)	

This matter is before the court on Petitioner's Motion to Alter or Amend Judgment. (Filing No. 20.) Petitioner's Motion is brought pursuant to Federal Rule of Civil Procedure 59(e). As set forth by the Eighth Circuit "Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence. . . . 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." <u>U.S. v. Metro. St. Louis Sewer Dist.</u>, 440 F.3d 930, 933 (8th Cir. 2006) (internal citations and quotations omitted).

Here, Petitioner simply reargues the merits of his case. In particular, Petitioner generally objects to, and asserts various arguments and legal theories regarding, the court's Memorandum and Order which dismissed Petitioner's claims as procedurally defaulted. (Filing Nos. 18 and 19.) However, Petitioner does not point to any manifest error or new evidence which could not have been raised prior to the entry of judgment. As such, Petitioner is not entitled to relief under Rule 59(e).

IT IS THEREFORE ORDERED that: Petitioner's Motion to Alter or Amend Judgment

(Filing No. 20) is denied.

DATED this 20th day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp United States District Judge

^{*}This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.