

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:10-CV-5-FL

PAULA FELTON-MILLER,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This matter earlier came before the court on the memorandum and recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones. The magistrate judge recommended that plaintiff’s motion for judgment on the pleadings be denied, and that defendant’s motion for judgment on the pleadings be granted. For reasons stated within the court’s order dated November 17, 2010, the court adopted in full the findings and conclusions of the magistrate judge and upheld the final decision of the Commissioner denying plaintiff benefits. Judgment was entered according to the court’s order on November 22, 2010. Plaintiff filed the instant motion for reconsideration (DE #40) on November 29, 2010. Defendant timely responded on December 9, 2010. In this posture, the issues raised are ripe for review.

In reviewing a motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, a court should amend its earlier judgment for any of the following reasons: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. Hutchinson v. Station, 994 F.2d 1076, 1081 (4th Cir. 1993). Plaintiff does not specifically identify an alleged basis of amendment, but

offers no new evidence or argument regarding a change in controlling law; therefore, she apparently asserts that the court committed clear error in its earlier ruling.

Plaintiff seeks the court's reconsideration of its order upholding the Commissioner's final decision on two grounds set forth more specifically in plaintiff's motion. Having reviewed plaintiff's arguments, the relevant case law, and the facts in this case, the court determines its previous order contains no clear error and accordingly reaffirms its previous holding. Plaintiff's motion for reconsideration accordingly is DENIED.

SO ORDERED, this the 8th day of March, 2011.


LOUISE W. FLANAGAN
Chief United States District Judge