

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-79-D

CLINTON BRINSON,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WALMART, INC.,)	
)	
Defendant.)	


On February 9, 2024, Clinton Brinson (“Brinson” or “plaintiff”), appearing *pro se*, filed a complaint [D.E. 1]. On July 25, 2024, defendant filed a motion to dismiss [D.E. 14] and a memorandum in support [D.E. 15]. On August 30, 2024, plaintiff responded in opposition [D.E. 17]. On August 30, 2024, defendant replied [D.E. 19]. On September 25, 2024, the court granted defendant’s motion to dismiss for failure to state a claim or, in the alternative, for summary judgment [D.E. 20, 21]. On October 17, 2024, plaintiff moved for reconsideration [D.E. 23] and filed a notice of appeal [D.E. 24]. On November 1, 2024, defendant responded in opposition to the motion for reconsideration [D.E. 27].

The court has considered Brinson’s motion for reconsideration under the governing standard. See Fed. R. Civ. P. 59(e); TFWS, Inc. v. Franchot, 572 F.3d 186, 194 (4th Cir. 2009); Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998); Hughes v. Bedsole, 48 F.3d 1376, 1382 (4th Cir. 1995). There was no intervening change in controlling law or new evidence, and Brinson has not presented any arguments warranting reconsideration. Thus, the court denies the motion.

Alternatively, Brinson's motion also fails to meet Rule 60(b)'s threshold requirements, and the court denies it as baseless. See Fed. R. Civ. P. 60(b); Aikens v. Ingram, 652 F.3d 496, 500–01 & n.3 (4th Cir. 2011) (en banc); Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993).

In sum, the court DENIES plaintiff's motion for reconsideration [D.E. 23].

SO ORDERED. This 21 day of November, 2024.



JAMES C. DEVER III
United States District Judge