

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 1:14-cv-00056-FDW**

CYNTHIA D. GOODE,)
)
 Plaintiff,)
)
 vs.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security,)
)
 Defendant.)
)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Alter or Amend the Order and Judgment, (Doc. No. 22). In the instant motion, Plaintiff requests the Court amend its prior order, (Doc. No. 21), denying Plaintiff’s Motion for Attorney’s Fees pursuant to 28 U.S.C. § 2412(d). Also before this court is Defendant’s Motion to Strike Plaintiff’s Motion to Alter or Amend Judgment (Doc. No. 24).

In response to Plaintiff’s motion, Defendant filed a Motion to Strike arguing that Plaintiff’s motion was untimely. Rule 59(e) of the Federal Rules of Civil Procedure states, “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” On May, 4, 2015, Plaintiff filed its Motion to Alter or Amend the Order and Judgment, which was forty days after the order entered by this Court dated March 25, 2015. Thus, since Plaintiff’s Motion was submitted after the final day allowable, April 22, 2015, Plaintiff’s motion is untimely. Moreover, Plaintiff did not respond in opposition to Defendant’s Motion to Strike, and the time for doing so has expired. Even if Plaintiff had responded with reason to explain the untimely submission of its motion, (Doc. No. 22), Rule 6(b) of the Federal Rules of Civil Procedure does not permit extensions on Rule 59(e) motions.

IT IS, THEREFORE ORDERED that Defendant's Motion to Strike, (Doc. No 24), is **GRANTED**, and Plaintiff's Motion to Alter or Amend the Order and Judgment, (Doc. No. 22), is therefore stricken.

IT IS SO ORDERED.

Signed: June 24, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

