UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-255-FDW

JOSE LUCATERO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
MS. HAYNES, et al.,	)	
	)	
Defendants.	)	
	)	

THIS MATTER is before the Court on consideration of Plaintiff's Rule 59(e) motion for

reconsideration of this Court's order dismissing his § 1983 complaint following initial review

under 28 U.S.C. § 1915A(a). See Lucatero v. Haynes, et al., No. 1:14-cv-255-FDW (W.D.N.C.

Nov. 14, 2014).

With regard to motions to alter or amend a judgment under Rule 59(e), the United States

Court of Appeals for the Fourth Circuit has stated: "A district court has the discretion to grant a

Rule 59(e) motion only in very narrow circumstances: '(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 to prevent manifest injustice.'" Hill v. Braxton, 277 F.3d 701, 708 (4th

Cir. 2002) (quoting Collison v. Int'l Chem. Workers Union, 34 F.3d 233, 236 (4th Cir. 1994)).

Furthermore, "Rule 59(e) motions may not be used to make arguments that could have been

made before the judgment was entered." Id. (internal citation omitted). Indeed, the circumstances

under which a Rule 59(e) motion may be granted are so limited that "[c]ommentators observe

'because of the narrow purposes for which they are intended, Rule 59(e) motions typically are

denied.'" <u>Woodrum v. Thomas Mem'l Hosp. Found., Inc.</u>, 186 F.R.D. 350, 351 (S.D. W. Va. 1999) (quoting 11 Charles Alan Wright, <u>et al.</u>, <u>Federal Practice and Procedure</u> § 2810.1 (2d ed. 1995)).

In his motion for reconsideration, Petitioner has not demonstrated the existence of any the limited circumstances under which a Rule 59(e) motion may be granted and the Court will therefore deny the motion.

IT IS, THEREFORE, ORDERED that Plaintiff's motion for reconsideration is **DENIED**. (Doc. No. 8).

IT IS SO ORDERED.

Signed: December 1, 2014

Frank D. Whitney
Chief United States District Judge