

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

CHRISTOPHER FOSTER,

Petitioner,

: Case No. 1:15-cv-713
Consolidated with 1:16-cv-846

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

RONALD ERDOS, WARDEN,
Southern Ohio Correctional Facility,

Respondent.

:

**REPORT AND RECOMMENDATIONS ON MOTION TO ALTER
JUDGMENT**

These consolidated habeas corpus cases are before the Court on Petitioner’s New Retroactive Evidence Motion to Alter [the Judgment] under Fed.R.Civ.P. 59(e)(ECF No. 128). In it Petitioner argues this Court’s Judgment of July 24, 2017 (ECF No. 81), is erroneous as a matter of law.

Fed.R.Civ.P. 59(e) has a twenty-eight-days from judgment deadline which cannot be extended by this Court. See Fed.R.Civ.P. 6(b)(2). On that basis, the instant Motion should be denied.

April 1, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).