IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ronald David Brown,	:	
Plaintiff,	:	
v.	:	Case No. 2:12-cv-392 JUDGE JAMES L. GRAHAM
Barack Obama, et. al.,	:	Magistrate Judge Kemp
Defendants.	:	

OPINION AND ORDER

On July 27, 2012, the Court dismissed this case for failure to state a claim upon which relief could be granted. Plaintiff Ronald David Brown filed a timely motion for reconsideration on August 3, 2012. For the following reasons, that motion will be denied.

A motion to reconsider which is filed within 28 days of the date the Court enters judgment is treated as a motion to alter or amend judgment under Fed.R.Civ.P. 59(e). Vanguard Transp. Systems, Inc. v. Volvo Trucks North America, Inc., 2006 WL 3097189 (S.D. Ohio Oct. 30, 2006)(Graham, J.). "Generally, there are three situations which justify reconsideration under Rule 59(e): '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 a manifest injustice.'" J.P. v. Taft, 2006 WL 689091, *3 (S.D. Ohio Mar. 15, 2006)(Marbley, J.), quoting Dualite Sales & Serv., Inc. v. Moran Foods, Inc., 2005 WL 2372847, *1 (S.D. Ohio Sept. 26, 2005)(Beckwith, J.)(internal citations omitted).

Mr. Brown's motion to reconsider does not address any of these grounds for relief. Rather, he simply repeats his request that the Court issue a writ of mandamus. The Court's prior

Opinion and Order explained why this Court may not issue such an order when discretionary decisions, committed to the Executive Branch by Article II of the United States Constitution, are involved, and why Mr. Brown has no standing to ask for such relief. There has been no intervening change in the law which would call the Court's decision into question, there is no new evidence before the Court on this issue, and the Court's prior order is not clearly erroneous. Therefore, there is no basis for granting reconsideration of that order. Mr. Brown's motion to reconsider (Doc. 8) is therefore **DENIED**.

IT IS SO ORDERED.

JAMES L. GRAHAM
United States District Judge