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

STEPHEN PAUL JARRELL,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION, *et al.*,

Defendants.

Case No. 3:13-cv-343

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #20); OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #21); OVERRULING PLAINTIFF'S MOTION FOR A NEW TRIAL (DOC. #18); CASE TO REMAIN TERMINATED

On February 19, 2014, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations, Doc. #20, recommending that the Court overrule Plaintiff's Motion for a New Trial, Doc. #18, which Magistrate Judge Merz construed as a motion to amend the judgment pursuant to Federal Rule of Civil Procedure 59(e). He noted that, in the Motion for a New Trial, Plaintiff asserted several new claims against the Department of Veterans Affairs, claims that were not before the Court at the time judgment was entered. Magistrate Judge Merz also noted that a Rule 59(e) motion is not an appropriate vehicle for raising new arguments. Rather, the movant must establish manifest error of law or

present newly discovered evidence. *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998).

Plaintiff filed timely Objections to the Report and Recommendations, Doc. #21, claiming to have newly discovered evidence that employees of the Department of Veterans Affairs forged certain records. As opposing counsel correctly notes, however, Plaintiff has not identified any evidence that was not already known to him at the time the Complaint was filed.

The Court therefore OVERRULES Plaintiff's Objections to the February 19, 2014, Report and Recommendations, Doc. #21, ADOPTS said judicial filing, Doc. #20, in its entirety, and OVERRULES Plaintiff's Motion for a New Trial, Doc. #18. This case shall remain terminated on the Court's docket.

Date: March 4, 2014

WALTER H. RICE
UNITED STATES DISTRICT JUDGE