

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAY CALDWELL, )  
 )  
 Plaintiff, ) Case No. 08-122  
 )  
 v. ) Magistrate Judge Maureen P. Kelly  
 )  
 C.O. SOKOL, ) Re: ECF No. 213  
 )  
 Defendant. )

ORDER

Following over four years of litigation, Plaintiff's case against Defendant C.O. Sokol, the only defendant remaining in the case, proceeded to trial before a jury on March 28, 2012. On March 30, 2012, the jury returned a verdict in favor of Defendant Sokol and against Plaintiff. See ECF No. 198. On May 3, 2013 -- over one year later -- Plaintiff filed a Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(a), (b)(1)(5)(6), seeking reimbursement for fees and costs he incurred in the prosecution of this action. ECF No. 209. Finding that Plaintiff had not offered any basis showing that he is entitled to relief from judgment or that he is entitled to fees and costs associated with the prosecution of this action, this Court entered an order dated May 7, 2013, denying Plaintiff's Motion. ECF No. 211. See Farrar v. Hobby, 506, U.S. 103, 111-12 (1992); Evans v. Port Auth. of N.Y., 273, F.3d 346, 358 (3d Cir. 2001). Plaintiff has now filed a Motion for Reconsideration of that Order which will be denied.

A motion for reconsideration is granted only if one of three situations is shown: "(1) an intervening change in controlling law, (2) the availability of new evidence not previously available, or (3) the need to correct a clear error of law or to prevent manifest injustice." Reich v. Compton, 834 F. Supp. 753, 755 (E.D. Pa. 1993), *citing* Dodge v. Susquehanna Univ., 796 F.

Supp. 829, 830 (M.D. Pa. 1992). See Williams v. Pittsburgh, 32 F. Supp. 2d 236, 238 (W.D. Pa. 1998) (internal citations omitted) (“motions for reconsideration should be granted sparingly; the parties are not free to relitigate issues the court has already decided .... rightly or wrongly ...”).

Here, Plaintiff has not suggested that there has been an intervening change in the law or a need to correct an error of law. Nor has Plaintiff presented any additional arguments that the Court has not already considered or provided any new evidence that would suggest the requested relief is warranted. Rather, Plaintiff is merely asking the Court to rethink its earlier decision which does not provide the Court with a proper basis for revisiting the issue.

Accordingly, the following Order is entered:

AND NOW, this 29th day of May, 2013, upon consideration of the Motion for Reconsideration submitted by Plaintiff, ECF No. 213, IT IS HEREBY ORDERED that the Motion is denied.

BY THE COURT:

/s/ Maureen P. Kelly  
MAUREEN P. KELLY  
United States Magistrate Judge

cc: CLAY CALDWELL  
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