

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

MARCUS WALTON,

Plaintiff,

13cv1109

ELECTRONICALLY FILED

v.

CORRECTIONAL OFFICER  
HARKLEROAD, et al.,

Defendants.

**MEMORANDUM ORDER RE: PLAINTIFF'S MOTION FOR CONSIDERATION TO  
REOPEN CIVIL CASE PURSUANT TO FEDERAL RULE CIVIL PROCEDURES  
RULES 15(A) AND RULE 59(e) DUE TO NEWLY DISCOVERED EVDIENCE IN THE  
RETALIATORY NATURE [ECF 228]**

Pending before the Court is Plaintiff's Motion for Consideration to Reopen Civil Case Pursuant to Federal Rule Civil Procedures Rules 15(a) and Rule 59(e) Due to Newly Discovered Evidence in the Retaliatory nature [ECF 228]. By way of the pending motion, Plaintiff seeks to reopen this civil case and to add a number of additional defendants. In support of his motion, Plaintiff contends that he is being retaliated against by various members of the staff at SCI-Greene as a result of the recent small but favorable verdict rendered in Plaintiff's favor in this action.

The arguments contained in Plaintiff's motion do not provide a basis for granting Plaintiff's motion to reopen this case pursuant to Fed.R.Civ.P. 15, Fed.R.Civ.P. 59, or otherwise. As the Court has already informed Plaintiff, if Plaintiff opines that he has been retaliated against as a result of the recent favorable verdict, "his remedy is to file a new civil complaint." See ECF 226, p. 13.

Accordingly, this 24<sup>th</sup> day of January, 2017, it is hereby ORDERED that Plaintiff's Motion for Consideration to Reopen Civil Case Pursuant to Federal Rule Civil Procedures Rules

15(a) and Rule 59(e) Due to Newly Discovered Evidence in the Retaliatory nature [ECF 228] is DENIED.

S/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

ecf: Counsel of record

cc: Marcus Walton  
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SCI Greene  
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Waynesburg, PA 15370