IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Larry Lamont Phillips,	)	C/A NO. 1:12-438-CMC-SVH
	)	
Plaintiff,	)	
	)	**OPINION and ORDER**
v.	)	
	)	
Warden Bernard McKie; Dr. Allan C. Walls;	)	
and Officer Timothy Smith, all in their	)	
official and individual capacities,	)	
	)	
Defendants.	)	
	)	

This matter is before the court on Plaintiff's *pro se* motion for reconsideration. ECF No. 69. As this motion was filed within twenty-eight (28) days of the entry of the judgment, it is considered under Rule 59 of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 59(e).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: "'(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 prevent manifest injustice.'" *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). "Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge." *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990). Plaintiff does not seek to reopen the judgment based upon the first two circumstances noted above. Therefore, it appears Plaintiff seeks to reopen the judgment to prevent an alleged manifest injustice.

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The grounds presented in Plaintiff's motion are the same as were considered and rejected by the Magistrate Judge in the Report and Recommendation and by this court in adopting the Report and Recommendation. Plaintiff presents no argument which leads this court to reconsider its previous ruling.

Plaintiff's motion is **denied.**

IT IS SO ORDERED.

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s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

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Columbia, South Carolina
September 25, 2012