

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

Kevin Wayne McDaniels,

Plaintiff,

v.

State of South Carolina; Alan Wilson, SC Attorney General; Nikki Haley, SC Governor; Derham Cole, Chief Judge of Sptg. County; Barry Barnette, Chief Prosecutor of Spartanburg Co.; Chuck Wright, Spartanburg Co. Sheriff; Tim Tucker, Spartanburg Co. Police Officer; Phil Easler, Spartanburg Co. Police Officer; Robert Hall, Spartanburg Co. Public Defender; sued in their individual and official capacity,

Defendants.

Case No. 1:14-cv-4197-TLW

Kevin W. McDaniels,

Plaintiff,

v.

Judge Shiva Hodges; Judge Derham Cole,

Defendants.

Case No. 2:14-cv-4636-TLW

ORDER

This matter comes before the Court on Plaintiff Kevin Wayne McDaniels's filing captioned "Rule 59," which seeks reconsideration of the Court's Orders dismissing McDaniels's above-captioned cases. Case No. 1:14-cv-4197-TLW, ECF No. 36; Case No. 2:14-cv-4636-TLW, ECF No. 43.

The Court has carefully reviewed the relevant filings and concludes that McDaniels fails to show any intervening change in controlling law, account for new evidence, or show clear error of law or manifest injustice. Although McDaniels alleges he is innocent, his argument is based on broad assertions and he does not present sufficient evidence of manifest injustice, extraordinary

circumstances, or new evidence. The Court concludes that McDaniels has not set forth sufficient grounds to cause the Court to alter, amend, or vacate its prior Orders. *See* F.R.C.P. 59(e). Further, his claims and vague factual allegations in support of those claims do not present sufficient evidence in support of any Rule 60(b) factor for which the Court may grant relief. Thus, the Court concludes that, even if this motion was not time-barred under Rule 60, McDaniels fails to set forth a sufficient basis to be relieved of the Orders under Rule 60(b).

For the reasons stated, McDaniels's motion requesting reconsideration or relief of the Orders dismissing his cases, Case No. 1:14-cv-4197-TLW, ECF No. 25; Case No. 2:14-cv-4636-TLW, ECF No. 29, the motion, Case No. 1:14-cv-4197-TLW, ECF No. 36; Case No. 2:14-cv-4636-TLW, ECF No. 43, is hereby **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten _____

Terry L. Wooten

Chief United States District Judge

November 17, 2017
Columbia, South Carolina