

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

James M. Cuyler,	)	
	)	
Plaintiff,	)	Case No. 3:08-3261-CMC
	)	
v.	)	OPINION AND ORDER
	)	DENYING MOTION TO
Department of the Army,	)	ALTER OR AMEND JUDGMENT
	)	
Defendant.	)	
_____	)	

This matter is before the court on Plaintiff’s “objections” to this court’s order and judgment entered June 22, 2009. The court deems these objections to be a motion to alter or amend the judgment under Rule 59(e).<sup>1</sup>

Rule 59 motions to alter or amend a judgment are disfavored. The Fourth Circuit recognizes only three limited grounds for a district court’s grant of a motion under Rule 59(e), of the Federal Rules of Civil Procedure: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available earlier; or (3) to correct a clear error of law or prevent manifest injustice. *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993). A party’s mere disagreement with the court’s ruling does not warrant a Rule 59(e) motion. *Id.* (citing *Atkins v. Marathon LeTorneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

Plaintiff does not suggest any change in controlling law. He does, however, attach documents which the court treats as a proffer of new evidence. That evidence, which consists of documentation relating to his military discharge and subsequent review, does not, however, warrant any modification of this court’s earlier decision. In addition, Plaintiff appears to argue that this

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<sup>1</sup> The Federal Rules of Civil Procedure do not allow for “objections” to an order and judgment.

court's earlier order and judgment were based on a clear error of law or would result in manifest injustice. The court disagrees for the reasons set forth in the Report and Recommendation as adopted in this court's earlier order. *See* Dkt. Nos. 23 & 28.

For the reasons set forth above, the court deems Plaintiff's objections to be a motion to alter or amend judgment under Rule 59(e) of the Federal Rules of Civil Procedure and denies that motion.

IT IS SO ORDERED.

S/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
July 8, 2009