

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

Shaneeeka Monet Stroman,

Plaintiff

v.

Willie H. Womble,

Defendant.

C/A. No. 3:16-1522-CMC

Opinion and Order

This matter is before the court on Plaintiff Shaneeka Stroman's *pro se* motion to reopen this case (ECF No. 26), "motion to order all evidence and witnesses," (ECF No. 29) and supplemental filings (ECF Nos. 27, 28). As Plaintiff cites no statute or rule under which she brings these motions, but mentions "new evidence," the court will construe this motion as one for reconsideration of the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. The challenged judgment, entered July 19, 2016, was based on the Opinion and Order adopting the Report and Recommendation of the Magistrate Judge dismissing the action without prejudice. ECF Nos. 23 (Opinion and Order), 24 (Judgment).

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)). "Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of judgment, nor may they be used to argue a

case under a novel theory that the party had the ability to address in the first instance.” *Pac. Ins. Co.*, 148 F.3d at 403. Relief under Rule 59(e) is “an extraordinary remedy which should be used sparingly.” *Id.* (internal marks omitted). “Mere disagreement does not support a Rule 59(e) motion.” *Becker*, 305 F.3d at 290 (quoting *Hutchinson v. Stanton*, 994 F.2d 1076, 1082 (4th Cir. 1993)).

Plaintiff’s initial filing was dismissed due to judicial immunity, and Plaintiff’s filings contain no information to alter that conclusion. Plaintiff notes “Willie H. Womble was in his judicial capacity and performing a judicial function” in ECF No. 28; however, these are the very facts which preclude her suit. Judges acting in their judicial capacities and performing judicial functions cannot be sued for actions taken in that capacity, due to the doctrine of judicial immunity. *Mireless v. Waco*, 509 U.S. 9 (1991). Plaintiff may not bring a case based on these facts. Therefore, Plaintiff’s motion to reopen (ECF No. 26), construed by this court as a motion for reconsideration, and her motion to “order all evidence and witnesses involving this case” (ECF No. 29) are **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
July 17, 2017