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

Edgar Thomas, Plaintiff, vs. The State of South Carolina, Defendant.	Civil Action No. 3:17-cv-1345-CMC-SVH **ORDER**

This matter is before the court on Plaintiff's motion for reconsideration. ECF No. 18. The challenged judgment, entered June 27, 2017, was based on the Opinion and Order adopting the Report and Recommendation of the Magistrate Judge dismissing the action without prejudice. ECF Nos. 15 (Opinion and Order), 16 (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 has not met the standard required for amendment of the earlier judgment in this case. He has not alleged an intervening change in law or new evidence not previously available. Neither does he allege amendment of the judgment is necessary to correct a clear error of law or prevent manifest injustice. Instead, he notes several questions in his amended complaint, which he argues were not answered by this court's order. However, the court explained in the order that federal courts only have jurisdiction over a criminal case originally filed in state court in very limited circumstances, none of which apply here. *See* ECF No. 15. Further, there is a prohibition on federal courts interfering with state court cases and decisions.

> Under the *Rooker–Feldman* doctrine, lower federal courts generally do not have jurisdiction to review state-court decisions; rather, jurisdiction to review such decisions lies exclusively with superior state courts and, ultimately, the United States Supreme Court. The *Rooker–Feldman* doctrine bars consideration not only of issues actually presented to and decided by a state court, but also of constitutional claims that are inextricably intertwined with questions ruled upon by a state court, as when success on the federal claim depends upon a determination that the state court wrongly decided the issues before it.

Plyler v. Moore, 129 F.3d 728, 731 (4th Cir. 1997) (internal citations omitted). Although the state court has not yet made a decision on Plaintiff's case, the federal court does not have jurisdiction to control the case, as noted in the previous order and above. Plaintiff's motion for reconsideration is denied.

IT IS SO ORDERED.

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

Columbia, South Carolina
July 19, 2017