

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

Victor Sanchez Garcia,)	
)	C.A. No. 5:15-1127-HMH-KDW
Petitioner,)	
)	
vs.)	OPINION & ORDER
)	
Warden FCI-Williamsburg,)	
)	
Respondent.)	

This matter is before the court on Victor Sanchez Garcia’s (“Garcia”) motion for reconsideration of the court’s January 13, 2016, order adopting the Report and Recommendation of United States Magistrate Judge Kaymani D. West and granting the Respondent’s motion for summary judgment. A motion to alter or amend the judgment under Rule 59(e) may be made on three grounds: “(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.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

Garcia did not file any objections to the Report and Recommendation. In the absence of objections to the magistrate judge’s Report and Recommendation, this court is not required

to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). The court adopted the Report and Recommendation on January 13, 2016. In his motion filed February 2, 2016, Garcia alleges that he submitted objections on June 18, 2015. On June 18, 2015, Garcia filed a response in opposition to the Respondent’s motion for summary judgment, not the Report and Recommendation, which was filed six months later on December 18, 2015. Garcia was notified of the consequences for failing to file objections in the “Notice of Right to File Objections to Report and Recommendation,” which accompanied the Report and Recommendation. Thus, Garcia failed to file timely objections.

Further, the court has reviewed Garcia’s arguments raised in his motion and finds that they are non-specific, unrelated to the dispositive portions of the magistrate judge’s Report and Recommendation, or merely restate his claims. In addition, his arguments are without merit. Therefore, Garcia’s motion is denied.

It is therefore

ORDERED that Garcia’s motion for reconsideration, docket number 29, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
February 8, 2016

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.