IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

George Cleveland, Plaintiff, vs. City of Seneca SC; Bonnie Moses, individually and in her official capacity as election manager, director, poll worker for the City of Seneca SC; Rick Lacey, individually and in his official capacity as Seneca Recreation Director; Terry Mullikin, individually and in his official capacity as a groundsman employed by the Seneca Recreation Department; Mayor Pro Tem Ronnie O'Kelly, individually and in his official capacity as Mayor Pro Tem for the City of Seneca; Seneca Police Department; Police Chief John Covington, individually and in his official capacity as Police Chief for the City of Seneca; Officer(s) John Doe(s) in their official capacity as police officers for the City of Seneca, Defendants.	)	C.A. No. 8:09-626-HMH-WMC **OPINION & ORDER**

This matter is before the court on George Cleveland's ("Cleveland") motion for reconsideration which the court construes as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Cleveland requests that the court reconsider its March 23, 2010 Order adopting the Report and Recommendation of the magistrate judge, granting Defendants' motion for summary judgment, and denying Cleveland's motion for a temporary restraining order. After careful consideration, the court denies Cleveland's motion.

A motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure 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).

In his motion, Cleveland reasserts his arguments and presents no new facts or evidence which alter the court's findings in its March 23, 2010 Order. In addition, Cleveland has identified no clear error of law. Therefore, for the reasons set forth in the court's March 23, 2010 Order, the court reaffirms its findings and denies Cleveland's motion for reconsideration.

It is therefore

ORDERED that Cleveland's motion for reconsideration, docket number 72, is denied.

IT IS SO ORDERED.

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

Greenville, South Carolina
April 8, 2010

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.