

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

SHERNARD C. STEWART,)
)
 Plaintiff,)
 v.)
)
 MOCCASIN BEND MENTAL HOSPITAL,)
 CYNTHIA HONEYCUTT, NANCY HOOPER,)
 CHARLYNNE PARSON, ROB CATHERMAN ,)
 JANET WILLIAMS, ABIGAIL HAMMONDS,)
 WILLIAM VENTRESS, HOLLY METCALF,)
 TERRY JONES, DOUGLAS BENNETT,)
 SONNY SLATER, SCOTT LINDSAY)
)
 Defendants.)

Case No. 1:07-cv-305
Magistrate Judge Carter

MEMORANDUM and ORDER

On September 30, 2010, following a two day bench trial, the Court entered judgment in favor of defendants and dismissing all plaintiff’s claims. Plaintiff Shernard Stewart timely filed a motion seeking a new trial on October 13, 2010. [Doc. 197]. Plaintiff now asks for a jury trial.

“A motion for a new trial in a nonjury case ... should be based upon manifest error of law or mistake of fact, and a judgment should not be set aside except for substantial reasons.” 11 CHARLES ALAN WRIGHT AND ARTHUR R. MILLER & MARY KAY KANE, 11 FEDERAL PRACTICE AND PROCEDURE CIV § 2804 (2d ed. 2010). Plaintiff does not argue the Court made a manifest error of law. Rather, plaintiff appears to argue the Court made a error of fact on the ground that the evidence does not support the Court’s decision. Plaintiff’s motion is a recitation of the arguments he made at trial. Following the close of evidence at trial, the Court stated on the record the basis for it decision,¹ and the Court sees nothing in plaintiff’s motion to persuade the

¹Pursuant to Fed. R. Civ. P. 52(a)(1), the Court entered its findings of fact and conclusions of law on the record after the close of evidence. See Rule 52(a)(1) (“The findings

Court that the original decision was erroneous. Substantial reasons to set aside the judgment are lacking. Consequently, plaintiff's motion for a new trial is DENIED.

SO ORDERED.

s/William B. Mitchell Carter _____
UNITED STATES MAGISTRATE JUDGE

and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court.")