

F.3d 571, 581 (5th Cir. 2002); *see also Ross v. Marshall*, 426 F.3d 745, 763 (5th Cir. 2005) (internal quotations omitted). District Courts have been given considerable discretion over whether to grant or deny a motion for reconsideration. *Edward H. Bohlin Co. v. Banning Co.*, 6 F.3d 350, 355 (5th Cir. 1993). Moreover, a Rule 59(e) motion “cannot be used to raise arguments which could, and should, have been made before the judgment issued. *Rosenzweig v. Azurix Corp.* 332 F.3d 854, 63-64 (5th Cir. 2003). “Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.” *Templet*, 367 F.3d 479.

ANALYSIS

After careful consideration, the Court finds petitioner’s motion to reconsider should be denied. A properly filed notice of appeal divests this court of jurisdiction to take any action with regard to this action except in aid of an appeal. *Willie v. Continental Oil Co.*, 746 F.2d 1041, 1046 (5th Cir. 1984) (*vacated*, 760 F.2d 87 (5th Cir. 1985), *rev’d on other grounds*, 784 F.2d 706 (5th Cir. 1986) (en banc)); *see also Warren v. Dir., Tex. Dep’t. of Crim. Justice*, 2010 U.S. Dist. LEXIS 137636 a *5-*6 (E.D. Tex. Dec. 30, 2010) (explaining that *Willie* applies to equally to motions under Rules 59(e) or 60.

Plaintiff has deprived this Court of jurisdiction to rule on his 59(e) motion. The Court does, however, retain jurisdiction to deny the motion, because to do so furthers the appeal. It is, therefore,

ORDERED that Petitioner’s Motion to Alter or Amend Judgment filed Pursuant to Federal Rule of Civil Procedure 59(e) (docket entry no. 188) is **DENIED**.

So **ORDERED** and **SIGNED** this 12 day of **November, 2016**.



Ron Clark, United States District Judge