

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

GARETH FALCONER,

Plaintiff,

VS.

LEHIGH HANSON, INC., *et al*,

Defendants.

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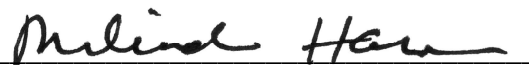
CIVIL ACTION NO. 4:11-CV-373

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff Gareth Falconer's Motion to Reconsider (Doc. 23) the Court's dismissal of his case (Docs. 15, 16). Although the Federal Rules of Civil Procedure do not specifically provide for a "motion for reconsideration," where, as here, a motion denominated as such is filed within 28 days of the entry of judgment, it is treated as a Rule 59(e) "motion to alter or amend a judgment." *Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012). In order to succeed, such a motion "must clearly establish either a manifest error of law or fact or must present newly discovered evidence." *Rosenblatt v. United Way of Greater Hous.*, 607 F.3d 413, 419 (5th Cir. 2010) (internal quotation marks omitted). Falconer's motion does neither; instead, it simply restates his earlier arguments, adding that the Court's opinion is "inaccurate" and "not well-founded." (Doc. 23 at 2, 6). This is insufficient to even approach the minimum standard for a motion to alter or amend a judgment. Accordingly, it is hereby

**ORDERED** that the Motion to Reconsider (Doc. 23) is **DENIED**.

SIGNED at Houston, Texas, this 7th day of August, 2013.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE