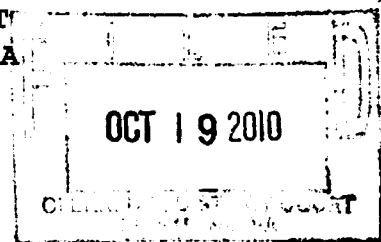


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ROBERT BENJAMIN STOUT,

Plaintiff,

v.

Civil Action No. 3:09CV537

PETER MELETIS, et al.,

Defendants.

MEMORANDUM OPINION

Robert Benjamin Stout, a Virginia inmate proceeding in forma pauperis, brings this civil rights action. By Memorandum Opinion and Order entered on September 14, 2010, the Court dismissed the action because the Court concluded that it was barred by the relevant statute of limitations. On September 21, 2010, Stout filed a motion for relief under Federal Rule of Civil Procedure 59(e).

"[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly." Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998) (internal quotation marks omitted). Relief under Rule 59(e) is appropriate "(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) (citing Weyerhaeuser Corp. v. Koppers Co., 771 F. Supp. 1406, 1419 (D. Md. 1991); Atkins v. Marathon LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)). In his Rule 59(e) motion, Stout

reasserts the same argument that the Court rejected in the September 14, 2010 Memorandum Opinion. Stout does not demonstrate a clear error of law or any other basis for granting Rule 59(e) relief. Accordingly, Stout's motion to alter or amend (Docket No. 16) will be DENIED.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Stout.

An appropriate Order will issue.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Date: *October 19, 2010*
Richmond, Virginia