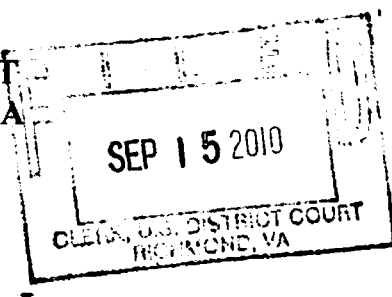


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOSEPH PURANDA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:10CV336-HEH
)	
G. KELLET, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION
(Granting Motion to Alter or Amend Judgment)

Joseph Puranda (“Plaintiff”), a Virginia prisoner proceeding *pro se*, filed this civil action. On August 19, 2010, the Court dismissed this action because Plaintiff failed to comply with the Court’s June 8, 2010 Order. Specifically, Plaintiff failed to complete and return a consent to collection of fees form, and did not pay the full filing fee.


On August 25, 2010, Plaintiff filed a letter motion to alter or amend the judgment of dismissal. On September 7, 2010, Plaintiff filed a second motion to alter or amend the judgment. Plaintiff explained that he had completed and returned a consent to the collection of fees form, and he does not know why the Court did not receive the form. Plaintiff asks the Court to allow him to complete and return a second consent to collection of fees form.

Federal Rule of Civil Procedure 59(e) permits a court to amend a judgment within twenty-eight days for three reasons: “(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.’’ *EEOC v. Lockheed Martin Corp., Aero & Naval Sys.*, 116 F.3d 110, 112 (4th Cir. 1997) (quoting *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993)). In other words, Rule 59(e) is a means by which the district court can correct its own mistakes, thereby “sparing the parties and the appellate courts the burden of unnecessary appellate proceedings.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (internal quotations omitted).

In light of Plaintiff’s assertions and in the interests of justice, Plaintiff’s motions to alter or amend the judgment of dismissal will be granted. The August 19, 2010 Memorandum Order will be vacated. The Clerk will be directed to mail to Plaintiff a second consent to collection of fees form, along with a copy of the June 8, 2010 Order. Plaintiff shall comply with the June 8, 2010 Order within thirty (30) days of the date of entry hereof.

An appropriate Order shall accompany this Memorandum Opinion.

 /s/

The Honorable Henry E. Hudson
United States District Judge

Date: Sept 15, 2010
Richmond, Virginia