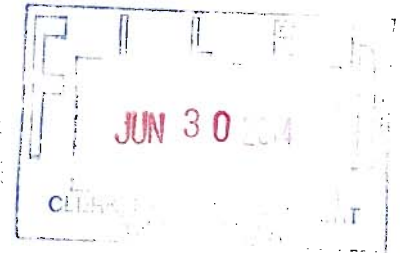


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



WYATT HESSING, )  
 )  
Plaintiff, )  
v. ) Civil Action No. 3:13CV487-HEH  
 )  
P. BRUNELLE, )  
 )  
Defendant. )

**MEMORANDUM OPINION**  
**(Vacating May 16, 2014 Memorandum Opinion and Order)**

By Memorandum Order entered on May 16, 2014, the Court dismissed the action without prejudice because it appeared that Plaintiff had failed to keep the Court informed of his current address and lacked an interest in continuing to prosecute the action.<sup>1</sup> On May 28, 2014, the Court received a Notice of Appeal and a letter motion from Plaintiff expressing his desire to continue to prosecute the action. Plaintiff insists that he kept the Court informed of his changes in address, but that his letters to that effect must have gone astray. Given the foregoing circumstances, the Court will grant Plaintiff's Motion for Reconsideration and vacate the Memorandum Opinion and Order entered on May 16, 2014. *See Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (permitting a court to grant relief under Fed. R. Civ. P. 59(e) "to . . . prevent manifest injustice" (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v.*


---

<sup>1</sup> On April 14, 2014, the United States Postal Service returned an April 2, 2014 Memorandum Order to the Court marked, "RETURN TO SENDER" and "NOT HERE." The Court remailed the April 2, 2014 Memorandum Order to Plaintiff. On April 29, 2014, the United States Postal Service again returned the April 2, 2014 Memorandum Order to the Court marked, "RETURN TO SENDER" and "UNABLE TO FORWARD."

*Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990))). The Court will continue to process the action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: June 30, 2014  
Richmond, Virginia

 \_\_\_\_\_ /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE