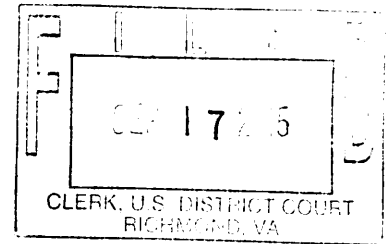


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



ROBERT EARL TIPPENS, JR.,)	
)	
Petitioner,)	
v.)	Civil Action No. 3:13CV757-HEH
)	
COMMONWEALTH OF VIRGINIA,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Denying Rule 59(e) Motions)

Robert Earl Tippens, Jr., a Virginia inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254. By Memorandum Opinion and Order entered on July 9, 2015, the Court denied the § 2254 Petition. (ECF Nos. 53, 54.) On August 3, 2015, the Court received Tippens’s Motion for Reconsideration. (ECF No. 55.) On August 6, 2015, the Court received Tippens’s Motion to Vacate Order. (ECF No. 56.) Because both motions were filed within twenty-eight (28) days of the Court’s entry of the July 9, 2015 Memorandum Opinion and Order, the Court construes the Motions as motions to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e) (“Rule 59(e) Motions”). See *MLC Auto., LLC v. Town of Southern Pines*, 532 F.3d 269, 277–78 (4th Cir. 2008) (citing *Dove v. CODESCO*, 569 F.2d 807, 809 (4th Cir. 1978)).

“[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). The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): “(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)). Tippens’s Rule 59(e) Motions appear to seek reconsideration based upon an alleged clear error of law. Tippens, however, fails to demonstrate any clear error of law committed by the Court in rejecting his claims for relief. Instead, Tippens simply rehashes arguments that the Court already concluded fail to provide a basis for relief. *See Tippens v. Virginia*, No. 3:13CV757–HEH, 2015 WL 4208710, at *1–15. (E.D. Va. July 9, 2015). Accordingly, the Rule 59(e) Motions (ECF No. 55, 56.) will be DENIED. The Court will deny a certificate of appealability.

On August 25, 2015, Tippens filed a “MOTION FOR UNSECURED STAY OF PROCEEDING TO ENFORCE JUDGMENT.” (ECF No. 60.) The Motion (ECF No. 60) is frivolous and will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: Sept. 17, 2015
Richmond, Virginia

HW /s/
Henry E. Hudson
United States District Judge