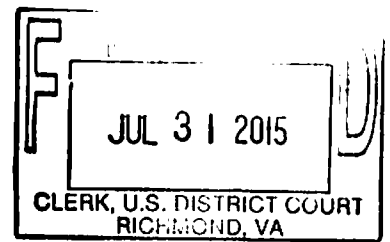


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



JULIO C. CARDENAS,

Plaintiff,

v.

Civil Action No. 3:15CV192

U.S. MARSHAL SERVICE,

Defendant.

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on June 9, 2015, the Court dismissed Julio C. Cardenas's civil action because he failed to complete and return the in forma pauperis affidavit and consent to the collection of fees form or pay the \$400.00 filing fee.

On June 18, 2015, Cardenas filed a Motion for Reconsideration that the Court construes as one brought pursuant to Federal Rule of Civil Procedure 59(e). ("Rule 59(e) Motion," ECF No. 7.) The United States Court of Appeals for the Fourth Circuit recognizes 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); Atkins v. Marathon LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)). Cardenas claims that he mailed both the in forma pauperis affidavit and the consent to the collection of fees form within thirty days of the date of the Court's April 8, 2015 Memorandum Order. Cardenas also explains that he has experienced problems with his mail. Because Cardenas demonstrates that the reopening of the action will prevent manifest injustice, the Court will grant the Rule 59(e) Motion. (ECF No. 7). The June 9, 2015 Memorandum Opinion and Order will be vacated. The Clerk will be directed to reopen the action. The Clerk will be directed to file Cardenas's in forma pauperis affidavit and his consent to the collection of fees form attached to his Rule 59(e) Motion. (ECF No. 7-1, at 2-4.)

The Clerk is directed to send a copy of the Memorandum Opinion to Cardenas.

\_\_\_\_\_/s/ *RES*\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia

Date: *July 20, 2015*