

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANTHONY D. COOK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 17-CV-1459-JPS

ORDER

On October 29, 2018, the Court denied Petitioner's motion to vacate his conviction and dismissed this action with prejudice. (Docket #16 and #17). On November 26, 2018, Petitioner filed a motion for reconsideration of that decision. (Docket #18). The motion cites no legal grounds for reconsideration, but only two could apply. Federal Rule of Civil Procedure ("FRCP") 59(e) allows for reconsideration of a judgment "only where the movant clearly establishes: (1) that the court committed a manifest error of law or fact, or (2) that newly discovered evidence precluded entry of judgment." *Cincinnati Life Ins. Co. v. Beyrer*, 722 F.3d 939, 953 (7th Cir. 2013) (quotation omitted). FRCP 59(e) "certainly does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment." *Bordelon v. Chi. Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000).

FRCP 60(b) also offers relief from a court's orders or judgments if a party can show "the narrow grounds of mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, voidness, or 'any other reason justifying relief from the operation of the judgment.'" *Tylon v. City of Chi.*, 97 F. App'x 680, 681 (7th Cir. 2004) (quoting FRCP 60(b)(6)). Such

relief “is an extraordinary remedy and is granted only in exceptional circumstances.” *Harrington v. City of Chi.*, 443 F.3d 542, 546 (7th Cir. 2006). Simply asserting “that the . . . court’s underlying judgment was wrong . . . is an impermissible use of Rule 60(b).” *Tylon*, 97 F. App’x at 681.

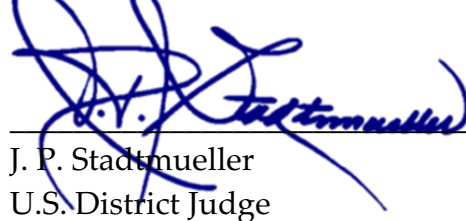
Petitioner’s motion does precisely that. He presents arguments that he could have or should have offered in the briefing on the motion to vacate his conviction. These are not the proper subject of a motion for reconsideration. Because he has not shown entitlement to reconsideration under either Rule, Petitioner’s motion will be denied.

Accordingly,

IT IS ORDERED that Petitioner’s motion for reconsideration (Docket #18) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 29th day of November, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge