

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RONALD HELMUT WAGNER,

Petitioner,

v.

MICHAEL MEISNER, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

12-cv-487-wmc

On April 10, 2014, the court denied Ronald Helmut Wagner's motion for leave to reopen the time to appeal pursuant to Fed. R. App. P. 4(a)(6) because Wagner failed to establish that he did not receive notice of the judgment, which was sent to him at his address of record at the Red Granite Correctional Institution. Wagner has now filed a motion to alter or amend that judgment under Fed. R. Civ. P. 59(e). To prevail on a motion under Rule 59(e), the moving party must identify an error of law that merits reconsideration of the judgment. *See Obriecht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008); *Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 511-12 (7th Cir. 2007). Wagner has not presented any evidence to corroborate his claim that the judgment was not delivered as sent by the clerk's office. Without more, he does not overcome the presumption of regular delivery by mail. Wagner does not otherwise show that the order was entered in error or that he is entitled to relief from the judgment. Accordingly, the motion will be denied.

ORDER

IT IS ORDERED that petitioner Ronald Helmut Wagner's motion for reconsideration (Dkt. # 48) is DENIED.

Entered this 1st day of May, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge