

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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QUANNAH HARRIS,

Plaintiff,

v.

No. 2:18-cv-02631-MSN-tmp

JERRY BIDDLE, JOHN McCLAIN,  
and ROXANNA GUMUCIO,

Defendants.

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**ORDER DENYING PLAINTIFF’S MOTION TO ALTER OR AMEND JUDGMENT**

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Before the Court is Plaintiff’s Motion Under Rule 59 of the Federal Rules of Civil Procedure (“Motion to Alter or Amend”), filed on April 24, 2020, (ECF No. 64). Defendants filed a Response in opposition to Plaintiff’s Motion on May 7, 2020. (ECF No. 65.) For the reasons set forth below, Plaintiff’s Motion is **DENIED**.

**DISCUSSION**

Relying on Federal Rule of Civil Procedure 59, Plaintiff argues the Court should reopen this case to reconsider its Order Adopting Report and Recommendation entered on April 1, 2020, (ECF No. 62). As grounds, Plaintiff asserts that this Court’s review of the Magistrate Judge’s Report and Recommendation (“the “Report”) under a plain error standard constitutes manifest injustice in light of her *pro se* status. (ECF No. 64-1 at PageID 1377.) Plaintiff further argues that the Court erred when it ruled Plaintiff’s objections simply reiterated the arguments raised in her response to Defendants’ motion for summary judgment. (*Id.* at PageID 1380–81.)

In response, Defendants argue Plaintiff's Motion to Alter or Amend must be denied because it offers only old allegations and arguments that have already been considered by the Court. (ECF No. 65 at PageID 1403.)

The purpose of Rule 59(e) is to allow a district court to correct its own mistakes in the period immediately following the entry of judgment.<sup>1</sup> *White v. New Hampshire Dep't of Emp't Sec.*, 455 U.S. 445, 450 (1982). It "is not intended to relitigate matters already decided by the Court." *Windsor v. A Federal Executive Agency*, 614 F. Supp. 1255, 1264 (M.D. Tenn. 1983), *aff'd*, 767 F.2d 923 (6th Cir. 1985). A court may alter or amend its judgment because of an intervening change in the controlling law, newly discovered evidence, or to correct a clear error of law or prevent a manifest injustice. *Franklin v. Francis*, 36 F. Supp. 2d 1008, 1010 (S.D. Ohio 1999) (citing *Petition of U.S. Steel Corp.*, 479 F.2d 489, 494 (6th Cir. 1973)). "A party may not use a motion for reconsideration under Rule 59(e) 'to re-argue a case' or to present issues that could—and should—have been raised before judgment." *A Renewed Mind v. Weatherby*, 675 Fed. Appx. 572, 574 (6th Cir. 2017).

Here, Plaintiff has failed to make the required showing under Rule 59(e). Plaintiff does not claim the existence of either newly discovered evidence or an intervening change in controlling law. Neither has Plaintiff convinced this Court that its ruling is the product of some clear error of law or that it results in some manifest injustice. Rather, Plaintiff's Motion raises several substantive arguments which the Court has already addressed (*see* ECF No. 1377–86) and attempts to raise new factual and legal objections to the Report (*see* ECF No. 64-1 at PageID 1387–91).

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<sup>1</sup> Under Fed. R. Civ. P. 59(e), "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment."

The Court cautions that a Rule 59(e) motion is not the appropriate occasion to repeat previously rejected arguments or to make new arguments that previously could have been made. Indeed, each argument raised in Plaintiff's Motion was or could have been raised either in opposition to Defendants' motion for summary judgment or in her objection to the Report.

To the extent Plaintiff's "manifest injustice" argument hinges on her assertion that the Court should have reviewed her objections to Report under a more liberal standard, that argument is belied by the fact that the Court did consider her objections in light of her *pro se* status and found them deficient.

**CONCLUSION**

For the reasons stated herein, Plaintiff's Motion to Alter or Amend (ECF No. 64) is **DENIED**.

**IT IS SO ORDERED**, this 30th day of July, 2020.

*s/ Mark Norris*  
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MARK S. NORRIS  
UNITED STATES DISTRICT JUDGE