

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

CHERYL A. ELKINTON,

Petitioner,

v.

PAUL B. HIGGENBOTHAM, Appeals Court
Judge, Dist. 4; STUART SCHWARTZ,
Dane County Circuit Court Judge; and
ANGELA BARTELL, Dane County Circuit
Court Judge,

Respondents.

ORDER

07-C-474-C

In an order dated August 29, 2007, I denied petitioner Cheryl Elkinton's request for leave to proceed in forma pauperis in this action, in which she seeks to obtain relief from state court rulings concerning her parental rights. I told petitioner that this court lacks jurisdiction to alter the decisions of a state court in civil proceedings and that, in addition, the law grants the respondents she names absolute immunity from liability for their judicial acts. A judgment of dismissal was entered the following day and the case was closed. Now petitioner has filed a document titled "motion to reconsider judgments on case #07-C-474-C," which I construe as a timely filed motion to alter or amend the August 30, 2007

judgment pursuant to Fed. R. Civ. P. 59.

The purpose of a Rule 59 motion is to bring to the court's attention newly discovered evidence or a manifest error of law or fact. E.g., Bordelon v. Chicago School Reform Bd. of Trustees, 233 F.3d 524, 529 (7th Cir. 2000). It is not intended as an opportunity to reargue the merits of a case, Neal v. Newspaper Holdings, Inc. 349 F.3d 363, 368 (7th Cir. 2003), or as an opportunity for a party to start giving evidence that could have been presented earlier. Dal Pozzo v. Basic Machinery Co., Inc., No. 04-4277 (7th Cir. Sept. 6, 2006) (citing Frietsch v. Refco, Inc., 56 F.3d 825, 828 (7th Cir. 1995)). A timely filed Rule 59 motion such as this one tolls the time for taking an appeal.

Unfortunately, nothing in petitioner's motion convinces me that I made errors of law in dismissing her action. She is simply rearguing the same issues that I considered and ruled upon in the order entered on August 29, 2007. Therefore, her Rule 59 motion must be denied.

ORDER

IT IS ORDERED that petitioner's motion brought pursuant to Fed. R. Civ. P. 59 to

alter or amend the judgment entered herein on August 23, 2007 is DENIED.

Entered this 18th day of September, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge