

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

NATHANIEL ALLEN LINDELL

Plaintiff,

ORDER

v.

02-C-473-C

JOANNE GOVIERE and
TIMOTHY HAINES,

Defendants.

On March 16, 2005, I granted defendants' motion for summary judgment on sixteen of the seventeen claims that plaintiff brought against them. I denied defendants' motion for summary judgment on plaintiff's retaliation claim against defendants Joanne Goviere and Timothy Haines, which will proceed to trial scheduled for May 9, 2005.

On March 29, 2005, plaintiff filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e). However, because this court has not entered final judgment in this case, I will construe plaintiff's motion as one brought under Fed. R. Civ. P. 60(b), which permits a court to relieve a party from a final judgment, order, or proceedings for the following reasons:

. . . (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.

Plaintiff does not contend that he is entitled to relief from the judgment because of mistake, inadvertence, surprise, excusable neglect, or fraud, or because he has newly discovered evidence that could not have been discovered earlier with due diligence. He does not put forward any reason justifying relief from the operation of the March 16, 2005 order. He appears simply to disagree with the court's decision and to desire to reargue the matter. Because I gave full consideration to each of plaintiff's claims at summary judgment and nothing in petitioner's motion convinces me that I erred in granting defendants summary judgment on sixteen of plaintiff's claims, plaintiff's Rule 60(b) motion will be denied.

ORDER

IT IS ORDERED that plaintiff Nathaniel Allen Lindell's motion under Fed. R. Civ.

P. 60(b) is DENIED.

Entered this 8th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge