

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

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RODOSVALDO POZO,

Plaintiff,

ORDER

v.

02-C-12-C

BRAD HOMPE, CAPT. BLACKBOURN,  
WARDEN GERALD BERGE,  
SGT. HUIBRETSE and JON LITSCHER,

Defendants.  
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Plaintiff has moved for reconsideration of the order entered herein on April 8, 2003, granting summary judgment to defendants Brad Hompe, Capt. Blackbourn, Gerald Berge, Capt. Richardson, Sgt. Huibretse and Jon Litscher and closing the case. Judgment of dismissal was entered on April 9, 2003. Therefore, I construe plaintiff's motion as a timely filed motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59.

In his motion, plaintiff rehashes arguments he made in opposition to defendants' motion for summary judgment. In addition, he has submitted a number of unauthenticated documents he appears to believe are additional evidence in opposition to defendants' motion for summary judgment.

Even if plaintiff's evidence were authenticated, I could not consider it. First, the purported evidence does not appear to be evidence which by due diligence plaintiff could not have been discovered or submitted earlier. Second, the purpose of a Rule 59 motion is to point out errors of law the judge may have made in deciding the case or errors relating to evidence that existed in the record at the time the decision was made. Because there is no basis for considering plaintiff's additional evidentiary submissions and the remainder of the motion is nothing more than a statement of plaintiff's disagreement with the April 8, 2003 decision, plaintiff's motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59 will be denied.

A timely filed Rule 59 motion extends the time for filing a notice of appeal , if an appeal is to be taken, to thirty days from the date of the entry of the order disposing of the Rule 59 motion. See Fed. R. App. P. 4(a)(4)(A)(iv). Therefore, plaintiff has thirty days from the date of entry of this order in which to file a notice of appeal.

#### ORDER

IT IS ORDERED that plaintiff's motion to alter or amend the judgment entered in

this case on April 9, 2003, is DENIED.

Entered this 17th day of April, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge