

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

---

LEE RAVEN,

Plaintiff,

v.

MATC and GAIL F. BAILEY,

Defendants.

---

OPINION AND ORDER

09-cv-503-slc

On December 17, 2010, the court granted summary judgment to defendants MATC and Gail F. Bailey and denied Raven's motion for appointment of counsel (among other orders), and entered judgment in favor of defendants. (Dkt. 68, 69.) Before the Court is plaintiff Lee Raven's motion for reconsideration of the court's order granting summary judgment to defendants. (Dkt. 70.)

Under Federal Rule of Civil Procedure 59(e), a party may request that a court alter or amend its judgment by motion filed within 28 days of its entry. 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. *See, e.g., Bordelon v. Chicago School Reform Bd. of Trustees*, 233 F.3d 524, 529 (7th Cir. 2000). Rule 59 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 to present evidence that could have been presented at an earlier time. *Dal Pozzo v. Basic Machinery Co., Inc.*, 463 F.3d 609, 615 (7th Cir. 2006). In order to obtain relief under Rule 59, the movant must "clearly establish" his or her grounds for relief. *Romo v. Gulf Stream Coach, Inc.*, 250 F.3d 1119, 1122 n.3 (7th Cir. 2001).

In her motion, Raven does not present any new evidence. Rather, she continues to argue that the court failed to give due weight to her evidence of racial animus on the part of defendants. In its opinion, the court already considered this evidence and found it to be insufficient to create a genuine issue of material fact to warrant this case proceeding to trial. Nothing contained in Raven's motion persuades the court that its decision was in error or should be reconsidered.

Raven also raises questions concerning the court's treatment of her exhibits. To clarify, and as the court explained in its opinion, while some of Raven's exhibits were not properly authenticated, the court nonetheless considered them all for the purpose of deciding summary judgment. (Dkt. 68 at 2 n.2.) Raven's evidence, however, was insufficient to allow her claims to survive summary judgment.

Raven should be advised that she has thirty days from the date of this order to file a notice of appeal with the Seventh Circuit Court of Appeals. Fed. R. App. P. Rule 4(a)(4).

#### ORDER

IT IS ORDERED that plaintiff Raven Lee's motion for reconsideration, dkt. 70 is DENIED.

Entered this 16<sup>th</sup> day of March, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge