

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MAJOR P. DAVIS, II,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:16-cv-00090-TWP-MPB
)	
CITY OF INDIANAPOLIS, OFFICER)	
NICHOLAS GALLICO, ESTATE OF)	
OFFICER PERRY RENN,)	
)	
Defendants.)	

Entry Discussing Motion to Reconsider

Before the Court is Plaintiff Major Davis’ Motion to Reconsider the dismissal of his false arrest claim. [Dkt. No, 32].

A motion to reconsider is designed to correct manifest errors of law or fact or to present newly discovered evidence. *Publishers Resource, Inc. v. Walker-Davis Publications, Inc.*, 762 F.2d 557, 561 (7th Cir. 1985). For example, a motion for reconsideration is appropriate when: (1) a court has patently misunderstood a party; (2) a court has made a decision outside the adversarial issues presented; (3) a court has made an error not of reasoning but of apprehension; or (4) a change in the law or facts has occurred since the submission of the issue. On the other hand, a motion for reconsideration is an “improper vehicle to introduce evidence previously available or to tender

Davis mistakenly argues his false arrest claim should not have been dismissed because probable cause was not found by a judicial officer. The court records which Davis filed in support of his motion to reconsider show that probable cause was found by Richard Hagenmaier, a judicial officer with Marion Superior Court, on July 6, 2014, while Mr. Davis was at Eskenazi Hospital.

Case No. 49G02-1407-MC-034251. *See Flournoy v. Winnebago Cty. Sheriff's Dep't*, 622 F. App'x 584, 585 (7th Cir. 2015) (citing *Fleming v. Livingston Cnty., Ill.*, 674 F.3d 874, 878 (7th Cir. 2012) (noting that existence of probable cause forecloses Fourth Amendment claim alleging false arrest); *Morfin v. City of E. Chicago*, 349 F.3d 989, 997 (7th Cir. 2003) (same)). The allegations in the complaint reflect that there was probable cause to arrest the plaintiff. In addition, none of the named defendants were personally responsible for the arrest of the plaintiff.

Accordingly, the false arrest claim was properly dismissed and the motion to reconsider [dkt 32] is **denied**.

IT IS SO ORDERED.

Date: 9/27/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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