

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

ROGER JASKE,)	
)	
	Petitioner,)
)	
vs.)	Case No. 2:14-cv-126-JMS-WGH
)	
DICK BROWN,)	
)	
	Respondent.)

Entry

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 new legal theories." *Bally Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 404 (7th Cir. 1986).

The petitioner seeks reconsideration of the Entry and Order Dismissing Action issued on September 11, 2014. The most that petitioner has shown through his motion to reconsider is that at an unknown time in the future with a future institutional record which is unknowable at this time, unknown members of the parole board may learn of the disciplinary matters identified in this case and reach the conclusion because of such matters that the petitioner is not a suitable candidate for parole. However, this possibility is too tenuous to satisfy the custody requirement, *Higgason v. Farley*, 83 F.3d 807, 809 (7th Cir. 1996)(if the State's action will inevitably affect the duration

of [the] sentence,@ there is due process protection, but there is no such protection for action that merely might affect the duration of the sentence")(citing *Sandin v. Conner*, 115 S. Ct. 2293, 2302 (1995)). Accordingly, petitioner's motion for reconsideration [dkt. 21] is **denied**.

IT IS SO ORDERED.

Date: October 2, 2014

Distribution:

Electronically Registered Counsel

ROGER JASKE
1983
Wabash Valley Correctional Facility
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Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana