

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

JOSHUA E. COMER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14-cv-00095-TWP-DML
)	
DAVID SCHNEDIER Detective,)	
)	
Defendant.)	

Entry Discussing Post Judgment Motion

The defendants’ unopposed motion for summary judgment was filed on May 21, 2015. (Dkt. 15). In accordance with Local Rule 56-1, defendant filed a notice which informed Plaintiff that he had thirty (30) plus three (3) days from the date of service within which to file a response to the motion, and attached the required instructional exhibits. (See Dkt. 16). No response was filed by Plaintiff. On January 11, 2016, more than six months later, the motion for summary judgment was granted and this action was closed.

Now before the Court, is the plaintiff’s motion to alter or amend the Judgment pursuant to Rule 59(e) and request for an extension of time to file a response in opposition to the defendant’s dispositive motion. “Rule 59(e) allows a court to amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence.” *Heyde v. Pittenger*, 633 F.3d 512, 521 (7th Cir. 2011) (internal quotation omitted); *United States v. Resnick*, 594 F.3d 562, 568 (7th Cir. 2010). “A manifest error is not demonstrated by the disappointment of the losing party. It is the wholesale disregard, misapplication, or failure to recognize controlling precedent.”

Oto v. Metropolitan Life Ins. Co., 224 F.3d 601, 606 (7th Cir. 2000) (internal quotations omitted).
“Relief under Rules 59(e) and 60(b) are extraordinary remedies reserved for the exceptional case....” *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008).

The plaintiff’s motion does not demonstrate a manifest error of law or present newly discovered evidence. Nor does the motion provide an explanation for his delay in responding to the defendant’s motion for summary judgment. In addition, there is no indication what arguments or evidence the plaintiff would like to present which could change the outcome of this case.

Under these circumstances, the plaintiff’s post judgment motion (Dkt. 21) is **DENIED**.

IT IS SO ORDERED.

Date: 2/8/2016



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

Distribution:

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