

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEFFERY ALONZO SIMMS,)
)
 Plaintiff,)
)
 v.) Civ. No. 04-1205-SLR
)
 HARRY M. FREEMAN, M.D.,)
 ROBERTA F. BURNS, M.D.,)
 MAJOR R.L. HUGHES,)
)
 Defendants.)
)

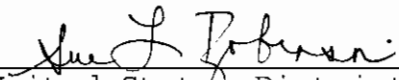
MEMORANDUM ORDER

At Wilmington this 9th day of February, 2007, having considered plaintiff's motion to reconsider the court's order granting defendant's motion to dismiss and motions for summary judgment (D.I. 105) and the papers submitted in connection therewith;

IT IS ORDERED that plaintiff's motion for reconsideration (D.I. 106) is denied for the following reasons:

1. "Rule 59(e) of the Federal Rules of Civil Procedure gives a party the right to file a motion to reconsider, provided that motion is timely." In re Sharon Steel Corp., 918 F.2d 434, 436 (3d Cir. 1990). A motion for reconsideration is timely when filed within 10 days of the court's decision or opinion. Fed. R. Civ. P. 59(e).

2. This court's memorandum opinion and accompanying order granting summary judgment in favor of the various defendants were issued on October 23, 2006. (D.I. 104, 105) Plaintiff did not file a motion to reconsider until November 14, 2006. (D.I. 106) Accordingly, plaintiff failed to file his motion for reconsideration in a timely manner; said motion, therefore is denied.


United States District Judge