

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM BOYD, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 07-580-JJF
 :
 JOHN W. BOYD, :
 :
 Defendant. :

MEMORANDUM OPINION AND ORDER

I. BACKGROUND

Plaintiff, who appears pro se, filed suit this lawsuit against Defendant John Boyd. (D.I. 2.) Plaintiff proceeds pro se and was granted leave to proceed in forma pauperis. On December 10, 2007, the Court dismissed the case for failure to state a claim upon which relief may be granted. (D.I. 7, 8.) Plaintiff then filed a Motion For Reconsideration of the Order dismissing his case. (D.I. 9, 10.) It was denied. (D.I. 11.) Now before the Court is Plaintiff's Motion For Reconsideration of the Order denying his first Motion For Reconsideration. (D.I. 12.)

II. STANDARD OF REVIEW

The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Accordingly, a court may alter or amend its judgment if the movant demonstrates

at least one of the following: (1) a change in the controlling law; (2) availability of new evidence not available when summary judgment was granted; or (3) a need to correct a clear error of law or fact or to prevent manifest injustice. See id.

III. DISCUSSION

The Court has reviewed its December 10, 2007 Memorandum Opinion and Order and its April 29, 2008 Memorandum Opinion and Order. (D.I. 7, 8, 11.) For the reasons stated in the previous Orders, the Court concludes that Plaintiff has failed to demonstrate any of the grounds necessary to warrant a reconsideration of the April 29, 2008 Order denying his Motion For Reconsideration.

IV. CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff's Motion For Reconsideration is **DENIED**. (D.I. 12.)

11-18-08

DATE


UNITED STATES DISTRICT JUDGE