

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAMARA M. MATTISON,)
)
 Plaintiff,)
)
 v.) Civ. Action No. 21-1434-CFC
)
 AKUMIN, Formerly Known as)
 Delaware Open MRI,)
)
 Defendant.)

MEMORANDUM

I. INTRODUCTION

Plaintiff Tamara M. Mattison (“Plaintiff”) commenced this action on October 8, 2021. (D.I. 2) She appears *pro se* and was denied leave to proceed *in forma pauperis* on October 14, 2021. (D.I. 4) On October 21, 2021, Plaintiff filed a letter/motion for reconsideration. (D.I. 6)

II. DISCUSSION

Plaintiff “appeals” the order denying her leave to proceed *in forma pauperis*. (D.I. 6) She states that she has not had any income in 12 months, let alone the \$78,000 that was referred to in the order. (*Id.*) She also states that she and her husband live together “but they are separate”. (*Id.*)

The standard for obtaining relief under Rule 59(e) is difficult for Plaintiff to meet. 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). “A proper Rule 59(e) motion . . . must rely

on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (citing *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). A motion for reconsideration is not properly grounded on a request that a court rethink a decision already made. See *Glendon Energy Co. v. Borough of Glendon*, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). Motions for reargument or reconsideration may not be used “as a means to argue new facts or issues that inexcusably were not presented to the court in the matter previously decided.” *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1240 (D. Del. 1990). Reargument, however, may be appropriate where “the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning but of apprehension.” *Brambles USA*, 735 F. Supp. at 1241 (D. Del. 1990) (citations omitted); See also D. Del. LR 7.1.5.

Plaintiff was denied leave to proceed *in forma pauperis* based upon her answers and the combined income of Plaintiff and her spouse (*i.e.*, \$129,600). A review of the order indicates that the Order incorrectly stated Plaintiff’s annual income as \$78,000. The correct amount is \$6,500; the annual amount of unemployment compensation that Plaintiff received. The combined annual income of Plaintiff and her spouse totals \$58,100. Plaintiff does not qualify for *in forma pauperis* status when taking into consideration the combined income and the value of their home - \$178,000. (See D.I.

1)

Upon review of the filings in the case, the Court concludes that Plaintiff has failed to demonstrate any of the necessary grounds to warrant a reconsideration of the Court's October 14, 2021 Order. Plaintiff must pay the \$402 filing fee in full. See 28 U.S.C. § 1914.

III. CONCLUSION

For the above reasons, the Court will deny the letter/motion for reconsideration.

(D.I. 6)

An appropriate order will be entered.



Chief Judge

December 17, 2021
Wilmington, Delaware

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 Defendant.)

ORDER

At Wilmington this Seventeenth day of December in 2021, for the reasons set forth in the Memorandum issued this date,

IT IS HEREBY ORDERED that:

1. Plaintiff's letter/motion for reconsideration is **denied**. (D.I. 6)
2. Plaintiff is given **thirty (30) days** from the date of this Order to pay the \$402.00 filing fee. If the filing fee is not paid within that time, the Complaint shall be dismissed without prejudice and closed.



Chief Judge