

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FRED STEPNEY, JR.,

Plaintiff,

vs.

CIVIL ACTION
No. 04-3246-SAC

DENNIS GOFF, et al.,

Defendants.

ORDER

This matter is before the court on plaintiff's motion to alter or amend (Doc. 7). Plaintiff seeks relief from the court's order of May 9, 2005, dismissing this matter for failure to state a claim upon which relief may be granted.

Plaintiff's motion requests an opportunity to amend the complaint but does not explain the nature of the amendment.

A motion to alter or amend filed pursuant to Rule 59(e) should not be used "to advance arguments that could have been raised in prior briefing." Servants of Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). Instead, such a motion allows the court to correct manifest errors of law or fact and

to consider newly-discovered evidence. Phelps v. Hamilton, 122 F.3d 1309, 1324 (10th Cir. 1997)(quotations omitted).

The court has considered plaintiff's request and concludes plaintiff has not presented a sufficient basis to warrant modification of the earlier order.

Plaintiff also moves for a court order directing the full payment of his filing fee (Doc. 11). Plaintiff states the court's order of May 9, 2005, which directs the collection of installment payments pursuant to 28 U.S.C. 1915(b)(2), causes hardship. He seeks a court order directing payment of the balance of the filing fee from his institutional savings account.

Having considered the request, the court denies the motion. The collection order is based upon statutory authority, and the court finds no reason to modify the order regarding collection of partial filing fees.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to alter or amend (Doc. 7) is denied.

IT IS FURTHER ORDERED plaintiff's motion for order (Doc. 11) is denied.

A copy of this order shall be transmitted to the plain-

tiff.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 21st day of June, 2005.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge