

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>CHARLES W. CAMPBELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>STEPHEN A. JENKINS,</b>	)	<b>Case No. 07-2126-JAR</b>
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

The Court now considers plaintiff Charles Campbell's Rule 59 Motion to Alter or Amend the Memorandum and Order of January 2, 2008. As the Court is unsure of plaintiff's intent by this Motion, it will consider plaintiff's motion under Federal Rule of Civil Procedure 59(e) and under District of Kansas Rule 7.3(b).

Under Federal Rule of Civil Procedure 59(e), a court may alter or amend a judgment where a motion is filed within ten days of the judgement. Judgment in this case was entered on October 9, 2007, more than ten days ago. Accordingly, if plaintiff's motion is one to alter or amend a judgment it is denied. If plaintiff intends his motion as one for reconsideration under D. Kan. R. 7.3(b), his motion is denied. Under D. Kan. R. 7.3(b), a motion for reconsideration of a non-dispositive order must be based on "(1) an intervening change in law, (2) the availability of new evidence, or (3) the need to correct clear error or prevent manifest injustice."<sup>1</sup> Plaintiff's motion is not based on either of those standards. Consequently, his motion is denied.

**IT IS THEREFORE ORDERED THAT** Plaintiff's Rule 59 Motion to Alter or Amend

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<sup>1</sup>D. Kan. R. 7.3(b).

the Memorandum and Order of January 2, 2008 (Doc. 142) is **DENIED**.

**IT IS SO ORDERED.**

Dated this 3<sup>rd</sup> day of March 2008.

S/ Julie A. Robinson

**Julie A. Robinson**  
**United States District Judge**

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<b>CHARLES W. CAMPBELL,</b>	)	
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Dated this 3<sup>rd</sup> day of March 2008.

S/ Julie A. Robinson

**Julie A. Robinson**  
**United States District Judge**