

judgment under Federal Rule of Civil Procedure 59(e). A motion to alter or amend a judgment must be based on (1) an intervening change in controlling law, (2) the availability of new evidence, or (3) the need to correct clear error or prevent manifest injustice. *Tindall v. Freightquote.com, Inc.*, No. 10-2364-EFM, 2011 U.S. Dist. LEXIS 98082, at *1–4 (D. Kan. Aug. 13, 2011) (citing *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)). Plaintiff’s motion does not identify an intervening change in law or new evidence. Presumably, therefore, plaintiff’s motion is based on the need to correct clear error or prevent manifest injustice arising from the fact that he was unable to file a reply in support of his objection to the magistrate judge’s report and recommendation.

Objections to the magistrate judge’s report and recommendation are governed by Federal Rule of Civil Procedure 72(b). Neither this rule nor the corresponding local rule gives the objecting party the right to file a reply brief in support of objections to a magistrate judge’s report and recommendation regarding a dispositive motion. *See In re MTC Elec. Techs. Shareholder Litig. v. MTC Elec. Techs. Co.*, 74 F. Supp. 2d 276, 281 n.4 (E.D.N.Y. 1999) (refusing to consider reply memorandum because rules only authorized objections and responses and plaintiff never sought leave to file reply); *Cannon Partners, Ltd. v. Cape Cod Biolab Corp.*, 225 F.R.D. 247, 250 (N.D. Cal. 2003) (refusing to consider plaintiff’s reply brief in considering objections to magistrate judge’s report because reply is not authorized by the applicable rules); *Mordukhaev v. Daus*, No. 09-5149, 2010 U.S. Dist. LEXIS 102138, at *3 n.1 (S.D.N.Y. Sept. 28, 2010) (same). Therefore, plaintiff did not have a right to file a reply in support of his objection. Because plaintiff was not authorized to file a reply, plaintiff has not identified any clear error or manifest injustice requiring the court to alter or amend the judgment.

IT IS THEREFORE ORDERED that plaintiff’s motion for reconsideration (Doc. 46) is denied.

Dated at this 29th day of September, 2011, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge