

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

**MONTGOMERY CARL AKERS,**

**Plaintiff,**

**v.**

**KIM I. FLANNIGAN, ET AL.,**

**Defendants**

**Case No. 21-2042-HLT**

**MEMORANDUM AND ORDER**

This matter is before the court on plaintiff's third post-judgment motion (Doc. 34). Plaintiff seeks relief from the court's order denying his motion to alter judgment. Citing Rule 59(e) of the Federal Rules of Civil Procedure, plaintiff broadly alleges that the court's order misstates facts, misapprehends his position, and fails to supply authority concerning the circumstances that require certification under 28 U.S.C. § 2679(d).

A motion under Rule 59(e) is appropriate where the court "misapprehended the facts, a party's position, or the controlling law." *Nelson v. City of Albuquerque*, 921 F.3d 925, 929 (10th Cir. 2019) (quoted authority omitted). However, Rule 59(e) "may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment." *Id.* (quoting *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008)). Plaintiff's motion is repetitive and fails to present either new argument or evidence concerning the removal of this matter or the dismissal of this action. Accordingly, he is not entitled to relief.

The court advises plaintiff that due to his repetitive and meritless filings in this action, any future motion may be addressed summarily.

THE COURT THEREFORE ORDERS that plaintiff's motion for relief from judgment (Doc. 34) is denied.

IT IS SO ORDERED.

Dated: July 20, 2021

/s/ Holly L. Teeter  
HOLLY L. TEETER  
UNITED STATES DISTRICT JUDGE