

**In the United States District Court  
for the District of Kansas**

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Case No. 23-cv-02536-TC-TJJ

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MATTHEW AARON ESCALANTE,

*Plaintiff*

v.

CHARLES DROEGE,

*Defendant*

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**ORDER**

This case was dismissed with prejudice on March 1, 2024. Doc. 28. Escalante objected. Doc. 29. This order construes his objection as a motion to amend judgment under Fed. R. Civ. P. 59(e). *See Nelson v. City of Albuquerque*, 921 F.3d 925, 928 (10th Cir. 2019). Rule 59(e) motions may be granted when the court misapprehended the facts, a party’s position, or the controlling law, *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000), but in no event can Rule 59(e) motions “relitigate old matters, or [] raise arguments or present evidence that could have been raised prior to the entry of judgment,” *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008).

Escalante bases his objection on Fed. R. Civ. P. 17(c), Doc. 29 at 1, Kan. R. Rel. Dist. Ct. 166, *id.* at 2, 18 U.S.C. § 2265(d)(1), Doc. 29-5 at 1, and an allegation of fraud in his state court cases, *see* Doc. 29-7 at 1. Each request either misconstrues the rule, misunderstands its application, or lacks evidentiary support. None of his arguments or extensive exhibits remotely suggest that the Memorandum and Order dismissing his case, Doc. 27, should be amended or reconsidered. Escalante’s motion, Doc. 29, is therefore denied.

It is so ordered.

Date: March 4, 2024

s/ Toby Crouse  
Toby Crouse  
United States District Judge