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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUSTIN M. CORLISS,
Plaintiff,

vs.

DAVID SKUTNIK,
Defendant.

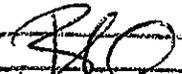
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: CIVIL NO. 3:CV-01-1733
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: (JUDGE CAPUTO)
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FILED
SCRANTON

OCT 25 2001

MEMORANDUM AND ORDER

PER


CLERK

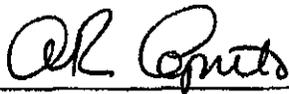
On September 6, 2001, plaintiff Justin Corliss, an inmate at the State Correctional Institution at Huntingdon, Pennsylvania ("SCI-Huntingdon"), filed a *pro se* complaint entitled "Legal Malpractice/Trespass." (Doc. 1). On September 26, 2001, this Court dismissed the complaint, *sua sponte*, without prejudice as to any right plaintiff may have to assert his claims in state court pursuant to 28 U.S.C. §1915(e)(2)(B). (Doc. 10). Plaintiff now files the instant motion for reconsideration (Doc. 11) of his complaint. Because this Court finds that Corliss has failed to provide the evidence required for a successful motion for reconsideration under Rule 59(e) of the Federal Rules of Civil Procedure, plaintiff's motion will be denied.

A motion for reconsideration is a device of limited utility. It may be used only to seek remediation of manifest errors of law or fact or to present newly discovered precedent or evidence which, if discovered previously, might have affected the court's

Accordingly, this Court finds that plaintiff has not satisfied the requirements for a successful motion for reconsideration under Rule 59(e) and, therefore, plaintiff's motion is denied. Plaintiff is also under the impression that this Court is committing a fraudulent practice by "billing" him \$150.00 and, thus, taking advantage of the poor. (*Id.*, ¶7). As part of the final order, this Court vacated the administrative order authorizing the warden to withdraw funds from plaintiff's trust fund account. Accordingly, plaintiff is not being "billed" \$150.00 for the filing of his complaint.

IT IS HEREBY ORDERED THAT:

1. The motion for reconsideration (Doc. 11) is denied.
2. The Clerk of Court is directed to close this case.
3. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith.


A. RICHARD CAPUTO
United States District Judge

DATE: October 25, 2001

decision. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906 (3d Cir. 1985), *cert. denied*, 476 U.S. 1171 (1986). It has also been held that a motion for reconsideration is appropriate in instances such as where the court has "... misunderstood a party, or has made a decision outside the adversarial issues presented to the court by parties, or has made an error not of reasoning, but of apprehension." See *Rohrbach v. AT & T Nassau Metals Corp.*, 902 F. Supp. 523, 527 (M.D. Pa. 1995), *vacated in part on other grounds on reconsideration*, 915 F. Supp. 712 (M.D. Pa. 1996) (quoting *Above the Belt, Inc. v. Mel Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983). "Because federal courts have a strong interest in the finality of judgments, motions for reconsideration should be granted sparingly." *Continental Casualty Co. v. Diversified Indus., Inc.*, 884 F. Supp. 937, 943 (E.D. Pa. 1995).

This Court dismissed plaintiff's complaint because his sole claim, legal malpractice, is based on state tort law and, therefore, this Court does not have jurisdiction. In his pending motion for reconsideration, Corliss fails to demonstrate a change of law, new evidence, or a need to correct clear error of law that indicates his claim merits reconsideration. Plaintiff states in his motion for reconsideration that his complaint is a legal malpractice complaint and not a "civil rights" complaint. (Doc. 11, 13). Plaintiff merely wants this Court to rethink its previous decision. *Glendon Energy Co. V. Borough of Glendon*, 836 F.Supp. 1109, 1122 (E.D. Pa. 1993) (a motion for reconsideration is *not* properly grounded on a request that a court rethink a decision already made).