

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL S. GOGOLA,

Plaintiff,

vs.

Case No. 2:04-cv-417-FtM-29DNF

JAMES ZINGALE,

Defendants.

_____ /

ORDER

_____ This matter comes before the Court on plaintiff's Motion to Reconsider Order of Dismissal (Doc. #31), filed on January 3, 2005. Defendant filed a Response (Doc. #32) on January 10, 2005.

Plaintiff seeks relief pursuant to Fed. R. Civ. P. 59(e) arguing that the Court's reliance on Doe v. Pryor, 344 F.3d 1282 (11th Cir. 2003), is misplaced. Plaintiff further argues that the Court failed to liberally construe his pleadings as an unrepresented party.

The Court notes that, due to a clerical error, a Judgment was not entered in this case pursuant to the December 16, 2004, Order directing the entry of judgment and Rule 59(e) provides relief from judgment.¹ The Eleventh Circuit has described a motion for reconsideration as falling within the ambit of either Rule 59(e) (motion to alter or amend a judgment) or Rule 60 (b) (motion for relief from judgment). Region 8 Forest Serv. Timber Purchases

¹This matter has been corrected.

Council v. Alcock, 993 F.2d 800, 806 (11th Cir. 1993), cert. denied, 510 U.S. 1040 (1994). Having reviewed plaintiff's arguments, the Court finds that plaintiff is simply seeking to re-litigate the issues previously considered, and that he has not shown good cause to justify the extraordinary remedy of reconsideration. As a motion for reconsideration is not an opportunity to re-litigate, the motions will be denied.

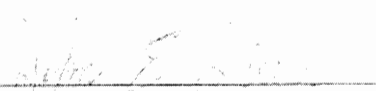
Additionally, the Court clearly recognized plaintiff's pro se status in the December 16, 2004, Order (Doc. #25, p. 2) and held plaintiff's Amended Verified Complaint to a less stringent standard than if it had been drafted by an attorney.

Accordingly, it is now

ORDERED:

Plaintiff's Motion to Reconsider Order of Dismissal (Doc. #31) is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 21st day of January, 2005.



JOHN E. STEELE
United States District Judge

Copies:
Plaintiff
Counsel of record