

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
LOUISIANA

William Nelson, et al. v. Robert Dupree, et al.

William Nelson, et al. v. Robert Dupree, et al. · No. No. 24-709-JWD-SDJ · Decided May 26, 2026

SUMMARY

The United States District Court for the Middle District of Louisiana denied pro se Plaintiff William Nelson’s motion for reconsideration under Federal Rule of Civil Procedure 59(e). The court held that the motion merely rehashed previously presented evidence and legal theories and did not establish a manifest error, newly discovered evidence, manifest injustice, misconduct, or an intervening change in law.

CASE DETAILS

COURT	United States District Court for the Middle District of Louisiana
WRITING FOR THE COURT	John W. deGravelles
JURISDICTION	United States District Court for the Middle District of Louisiana
DECIDED	May 26, 2026
DOCKET	No. 24-709-JWD-SDJ
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration under Federal Rule of Civil Procedure 59(e) of the Court's prior order adopting a Report and Recommendation and dismissing the action without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	A Rule 59(e) motion is an extraordinary remedy reviewed under factors including manifest error of fact or law, newly discovered or previously unavailable evidence, manifest injustice, serious attorney misconduct, and a material intervening change in law.
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	William Nelson v. Robert Dupree, et al.

TOPICS

- motion for reconsideration
- subject matter jurisdiction
- motions to dismiss
- civil procedure

PRACTICE AREAS

Civil procedure

Federal jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff's motion should be treated as a motion under Federal Rule of Civil Procedure 59(e).
2. Whether Plaintiff demonstrated a basis for the extraordinary remedy of reconsideration, including manifest error of law, newly discovered evidence, manifest injustice, serious misconduct, or an intervening change in law.

HOLDINGS

1. A motion filed within twenty-eight days of judgment that challenges the correctness of the judgment may be considered under Federal Rule of Civil Procedure 59(e), even when the movant does not specify the procedural basis for reconsideration.
2. Reconsideration was not warranted because Plaintiff's motion merely rehashed evidence and legal theories and did not establish manifest error, newly discovered evidence, manifest injustice, serious misconduct, or a material intervening change in law.

KEY QUOTATIONS

"A motion for reconsideration "is an extraordinary remedy that should be used sparingly.""

"It "is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.""

FACTUAL BACKGROUND

William Nelson brought claims concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the Racketeer Influenced and Corrupt Organizations Act. After the Court dismissed the action without prejudice for lack of subject matter jurisdiction, Nelson sought reconsideration, arguing that the judgment contained legal errors and renewing arguments concerning federal-question jurisdiction and the URA. The Court found that the motion merely rehashed evidence and legal theories previously presented.

PROCEDURAL HISTORY

Plaintiff filed claims under the Uniform Relocation Assistance and Real Property Acquisition Policies Act and RICO. Defendants filed motions to dismiss, including under Rule 12(b)(1), and the Magistrate Judge recommended dismissal for lack of subject matter jurisdiction. The District Court adopted that recommendation and dismissed the action without prejudice, with prescription suspended for thirty days. Plaintiff then filed a motion for reconsideration, which the Court denied.

DISPOSITION

other

CASES CITED

- Demahy v. Schwarz Pharma, Inc., 702 F.3d 177, 182 & n.2 (5th Cir. 2012) (per curiam)
- Templet v. HydroChem Inc., 367 F.3d 473, 478–79 (5th Cir. 2004)
- Omega Hosp., LLC v. United Healthcare Servs., Inc., 389 F. Supp. 3d 412, 417–18 (M.D. La. 2019)
- Livingston Downs Racing Ass’n v. Jefferson Downs Corp., 259 F. Supp. 2d 471, 475–76 (M.D. La. 2002)
- Schiller v. Physicians Res. Grp. Inc., 342 F.3d 563, 567 (5th Cir. 2003)
- Clancy v. Emps. Health Ins. Co., 101 F. Supp. 2d 463, 465 (E.D. La. 2000)
- Allen v. Envirogreen Landscape Profs., Inc., 721 F. App’x 322, 328 (5th Cir. 2017) (per curiam)
- Simon v. United States, 891 F.2d 1154, 1159 (5th Cir. 1990)
- Resolution Tr. Corp. v. Holmes, 846 F. Supp. 1310, 1316 & n.18 (S.D. Tex. 1994)
- Smith v. Kan. City Title & Tr. Co., 255 U.S. 180 (1921)
- Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg., 545 U.S. 308 (2005)
- Gunn v. Minton, 568 U.S. 251 (2013)
- Brumfield v. City of Baker, No. 11-507, 2011 WL 5178267, at *2 n.1 (M.D. La. Sept. 30, 2011)
- Delancey v. City of Austin, 570 F.3d 590, 592 (5th Cir. 2009)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA WILLIAM NELSON, ET AL. CIVIL ACTION VERSUS NO. 24-709-JWD-SDJ ROBERT DUPREE, ET AL. ORDER Before the Court is a motion for reconsideration, (see Doc. 120), filed by pro se Plaintiff William Nelson (“Plaintiff”). No opposition has been filed.

After careful review, the Court will deny Plaintiff’s motion. The Report and Recommendation (Doc. 103) adequately summarizes this case. (See also Doc. 117 (adopting the Report and Recommendation).) In short, Plaintiff filed suit in this Court on August 26, 2024, alleging violations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (“URA”), 42 U.S.C. § 4601 et seq., as well as the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1962–1964.

(See Doc. 2 at 1, 4, 8 (citing, inter alia, 49 C.F.R. §§ 24.105, 24.205) (referencing RICO).) Defendants filed various motions to dismiss, including under Federal Rule of Civil Procedure 12(b)(1). (See Doc. 103 at 2, 4 (citing Docs. 26, 40, 42, 72, 85).)

On August 22, 2025, the Magistrate Judge recommended dismissal for lack of subject matter jurisdiction. (Id. at 8.) On September 15, 2025, this Court adopted the Report and Recommendation over Plaintiff’s objections, ordering dismissal without prejudice, “with prescription suspended for thirty days” so that Plaintiff could re-file his case in state court, if desired.

(Doc. 117.) On October 10, 2025, Plaintiff filed the instant motion, ostensibly seeking reconsideration of the Court's order. (Doc. 120 at 1.) Plaintiff does not specify a basis for reconsideration. But because the motion was filed within twenty-eight days of entry of the judgment, and because it calls into question the correctness of the judgment, the Court will consider it under Federal Rule of Civil Procedure 59(e).

See, e.g., *Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 & n.2 (5th Cir. 2012) (per curiam) (citing Fed. R. Civ. P. 59(e)); see also *Templet v. HydroChem Inc.*, 367 F.3d 473, 478–79 (5th Cir. 2004). The factors which inform a district court's resolution of a Rule 59(e) motion for reconsideration include: (1) whether the judgment is based on a manifest error of fact or law, (2) whether there is newly discovered or previously unavailable evidence, (3) whether the initial decision was manifestly unjust, (4) whether counsel engaged in serious misconduct, and (5) whether there has been a material intervening change in law.

Omega Hosp., LLC v. United Healthcare Servs., Inc., 389 F. Supp. 3d 412, 417–18 (M.D. La. 2019) (deGravelles, J.) (citing *Livingston Downs Racing Ass'n v. Jefferson Downs Corp.*, 259 F. Supp. 2d 471, 475–76 (M.D. La. 2002)); see also *Demahy*, 702 F.3d at 182 (citing *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003)) (enumerating similar factors).

A motion for reconsideration “is an extraordinary remedy that should be used sparingly.” *Templet*, 367 F.3d at 479 (citing *Clancy v. Emps. Health Ins. Co.*, 101 F. Supp. 2d 463, 465 (E.D. La. 2000)); accord *Allen v. Envirogreen Landscape Profs., Inc.*, 721 F. App'x 322, 328 (5th Cir. 2017) (per curiam). It “is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.” *Templet*, 367 F.3d at 478–79 (citing *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir.

1990)). Nor does it support the reconfiguration of arguments made previously. *Omega Hosp.*, 389 F. Supp. 3d at 418 (citing *Resolution Tr. Corp. v. Holmes*, 846 F. Supp. 1310, 1316 & n.18 (S.D. Tex. 1994)). Plaintiff's motion does not clearly state the factor(s) under which Plaintiff seeks reconsideration, although the Court understands Plaintiff to be arguing that the judgment was based upon manifest errors of law.

(See, e.g., Doc. 120 at 3 (citing 28 U.S.C. § 1331); *id.* at 4–5 (discussing *Smith v. Kan. City Title & Tr. Co.*, 255 U.S. 180 (1921); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308 (2005); *Gunn v. Minton*, 568 U.S. 251 (2013)).)

The Court will not belabor the point: Plaintiff's motion merely rehashes evidence and legal theories. (See, e.g., *id.* at 1–4, 6–8 (mentioning the URA, specifically 49 C.F.R. § 24.105).)¹ The Report and Recommendation adopted by the Court remains sound and fully addresses Plaintiff's reconfigured arguments. (See Doc. 103 at 7–8 (citing, *inter alia*, *Brumfield v. City of Baker*, No. 11-507, 2011 WL 5178267, at *2 n.1 (M.D.

La. Sept. 30, 2011), report and recommendation adopted, 2011 WL 5238720 (M.D. La. Oct. 31, 2011); *Delancey v. City of Austin*, 570 F.3d 590, 592 (5th Cir. 2009)).) Plaintiff has not shown that he is entitled to the “extraordinary remedy” of reconsideration. See *Templet*, 367 F.3d at 479.

Accordingly, IT IS ORDERED that the Motion for Reconsideration (Doc. 120) filed by Plaintiff William Nelson is DENIED. Signed in Baton Rouge, Louisiana, on May 26, 2026. S JUDGE JOHN W. deGRAVELLES UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA 1 The Court notes that the bulk of the instant motion concerns recusal of virtually all judges in this District.

(See Doc. 120 at 9–26.) The Court has already addressed the subject of recusal, (see Doc. 116), in response to various filings by Plaintiff, (see Docs. 34, 105, 109). Here, it is appropriate and adequate to incorporate that discussion by reference.