

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PRECEDENTIAL VALUE	Unpublished district court order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)