

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Patrick Stewart v. Jeff Zmuda, et al.

Stewart v. Zmuda · No. 25-3256-JWL · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Kansas denied Patrick Stewart’s motion for reconsideration of the dismissal of his pro se 42 U.S.C. § 1983 action. Treating the motion as one under Federal Rule of Civil Procedure 59(e), the court found no intervening change in law, newly available evidence, clear error, or manifest injustice.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 16, 2026
DOCKET	25-3256-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) for reconsideration of the court's March 23, 2026 dismissal of his pro se § 1983 action for failure to state an Eighth Amendment claim.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only upon an intervening change in controlling law, newly available evidence that could not previously have been obtained through due diligence, or the need to correct clear error or prevent manifest injustice. Reconsideration is an extraordinary remedy to be used sparingly.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; generally nonprecedential.
PARTIES	Patrick Stewart v. Jeff Zmuda, et al.

TOPICS

- motion for reconsideration
- section 1983
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's timely motion for reconsideration should be treated as a motion to alter or amend judgment under Federal Rule of Civil Procedure 59(e).
2. Whether Plaintiff established an intervening change in controlling law, newly available evidence, clear error, or manifest injustice warranting relief under Rule 59(e).

HOLDINGS

1. A motion for reconsideration filed within 28 days after entry of a judgment is treated as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
2. Relief under Rule 59(e) was unwarranted because Plaintiff identified no intervening change in controlling law or new evidence and did not demonstrate clear error or manifest injustice; repeating previously made arguments or advancing arguments that could have been raised earlier does not satisfy the Rule 59(e) standard.

KEY QUOTATIONS

“A motion to alter or amend under Fed. R. Civ. P. 59(e) may be granted when “the court has misapprehended the facts, a party’s position, or the controlling law.””

“A motion to alter and amend are “not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.””

“Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.”

FACTUAL BACKGROUND

Plaintiff is incarcerated at Ellsworth Correctional Facility in Kansas and brought a pro se action under 42 U.S.C. § 1983. After the court identified deficiencies in his Eighth Amendment claim, Plaintiff filed an amended complaint. The court determined that the amendment did not cure the deficiencies and dismissed the action; Plaintiff's reconsideration motion repeated prior arguments or raised arguments that could have been raised earlier.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil rights action while incarcerated at Ellsworth Correctional Facility. The court granted in forma pauperis status, issued an order to show cause regarding the sufficiency of the Eighth Amendment claim, and screened Plaintiff's amended complaint after he responded. The court dismissed the action on March 23, 2026. Plaintiff moved for reconsideration on April 16, 2026; the court treated the timely motion as one under Rule 59(e), denied it, and directed the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Nelson v. City of Albuquerque, 921 F.3d 925, 929 (10th Cir. 2019)
- Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000)
- Templet v. HydroChem, Inc., 367 F.3d 473, 479 (5th Cir. 2004)
- Allender v. Raytheon Aircraft Co., 439 F.3d 1236, 1242 (10th Cir. 2006)
- Zucker v. City of Farmington Hills, 643 F. App'x 555, 562 (6th Cir. 2016)

OPINION

Zmuda

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

PATRICK STEWART,

Plaintiff,

v. CASE NO. 25-3256-JWL

JEFF ZMUDA, et al., Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is in custody at the Ellsworth Correctional Facility in Ellsworth, Kansas (“ECF”). The Court granted Plaintiff leave to proceed in forma pauperis. On January 15, 2026, the Court entered a Memorandum and Order to Show Cause (Doc. 5) (“MOSC”) granting Plaintiff an opportunity to show good cause why his Complaint should not be dismissed for failure to state an Eighth Amendment claim. Plaintiff filed an Amended Complaint (Doc. 7) in response to the MOSC. The Court screened the Amended Complaint and found that it did not cure the deficiencies noted in the MOSC and did not state a claim. The Court entered a Memorandum and Order dismissing this case on March 23, 2026. (“M&O,” Doc. 8.) This matter is before the Court on Plaintiff’s Motion for Reconsideration (Doc. 10) filed on April 16, 2026. Because Plaintiff’s motion was filed within 28 days after the entry of the order of dismissal, the Court will treat it as a motion under Rule 59. See Fed. R. Civ. P. 59(e) (“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”). A motion to alter or amend under Fed. R. Civ. P. 59(e) may be granted when “the court has misapprehended the facts, a party’s position, or the controlling law.” Nelson v. City of Albuquerque, 921 F.3d 925, 929 (10th Cir. 2019) (citing Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000)). A motion to alter or amend judgment pursuant to Rule 59(e) may be granted only if the moving party can establish: (1) an intervening change in the controlling law; (2) the availability of new evidence that could not have been obtained previously through the

exercise of due diligence; or (3) the need to correct clear error or prevent manifest injustice. *Servants of the Paraclete*, 204 F.3d at 1012. Motions to alter and amend are “not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.” *Nelson*, 921 F.3d at 929 (quoting *Servants of the Paraclete*, 204 F.3d at 1012). “[O]nce the district court enters judgment, the public gains a strong interest in protecting the finality of judgments.” *Id.* at 929 (citation omitted). Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly. See *Templet v. HydroChem, Inc.*, 367 F.3d 473, 479 (5th Cir. 2004); *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1242 (10th Cir. 2006); *Zucker v. City of Farmington Hills*, 643 F. App’x 555, 562 (6th Cir. 2016) (relief under R. 59(e) is rare). In his motion for reconsideration, Plaintiff merely repeats arguments that he has already made or makes arguments that he could have previously made. Plaintiff does not point to an intervening change in the law or to new evidence and has not demonstrated clear error or manifest injustice. Plaintiff does not meet the exacting standard for relief under Fed. R. Civ. P. 59(e). See *Servants of the Paraclete*, 204 F.3d at 1012. In sum, Plaintiff has failed to meet the standard required for this Court to alter or amend its March 23, 2026 Order and Judgment, and that ruling stands. IT IS THEREFORE ORDERED that the Clerk is directed to reopen this case for purposes of entering this Memorandum and Order. IT IS FURTHER ORDERED that Plaintiff’s Motion for Reconsideration (Doc. 10) is denied. IT IS FURTHER ORDERED that the Clerk is directed to close this case. IT IS SO ORDERED. Dated April 16, 2026, in Kansas City, Kansas. S/ John W. Lungstrum

JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE