

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PRECEDENTIAL VALUE	Unpublished district court memorandum and order; generally nonprecedential.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)

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