

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Sharmus Darcel Evans v. Johnson County District Attorney, et al.

Evans · No. 25-3156-JWL · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Kansas denied Sharmus Darcel Evans’s motion for reconsideration of the dismissal of his pro se civil rights action under 42 U.S.C. § 1983. 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	February 11, 2026
DOCKET	25-3156-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's January 16, 2026 order and judgment dismissing his 42 U.S.C. § 1983 action. The court treated the timely motion as one under Federal Rule of Civil Procedure 59(e) and denied it.
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 and is not appropriate to revisit issues already addressed or raise arguments that could have been presented earlier.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sharmus Darcel Evans v. Johnson County District Attorney, et al.

TOPICS

[motion for reconsideration](#)

[civil procedure](#)

[section 1983](#)

[remedies](#)

PRACTICE AREAS

Civil rights

Federal civil procedure

Postjudgment motions

QUESTIONS PRESENTED

1. Whether Plaintiff's timely motion for reconsideration should be treated as a motion to alter or amend the 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 alteration or amendment of the dismissal order and judgment.

HOLDINGS

1. A motion for reconsideration filed within 28 days after entry of 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 not warranted because Plaintiff did not identify an intervening change in controlling law, newly available evidence, clear error, or manifest injustice, and his submission did not cure the deficiencies supporting dismissal.

KEY QUOTATIONS

“A motion to alter or amend under Fed. R. Civ. P. 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.”

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

FACTUAL BACKGROUND

Plaintiff, incarcerated at the Glynn County Adult Detention Center in Georgia, brought a pro se civil rights action under 42 U.S.C. § 1983. The court previously identified deficiencies in the complaint, denied leave to file a second amended complaint on futility grounds, and dismissed the case after Plaintiff's filings failed to cure the deficiencies. In seeking reconsideration, Plaintiff asserted that he had complied by submitting approximately 44 pages of supplemental information, but the court determined that he had not addressed the grounds for dismissal.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil rights action and was granted leave to proceed in forma pauperis. After issuing a Memorandum and Order to Show Cause identifying deficiencies, the court dismissed the action on January 16, 2026, after finding that Plaintiff's subsequent filings did not cure those deficiencies and that amendment would be futile. Plaintiff then filed a timely motion for reconsideration.

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

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS SHARMUS DARCEL EVANS, Plaintiff, v. CASE NO. 25-3156-JWL JOHNSON COUNTY DISTRICT ATTORNEY, et al., Defendants. MEMORANDUM AND ORDER Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is incarcerated at the Glynn County Adult Detention Center in Brunswick, Georgia.

The Court granted Plaintiff leave to proceed in forma pauperis. On November 16, 2025, the Court entered a Memorandum and Order to Show Cause (Doc. 9) (“MOSC”) granting Plaintiff an opportunity to show good cause why his Complaint should not be dismissed due to the deficiencies set forth in the MOSC. Plaintiff filed an interlocutory appeal (Doc. 14), two motions (Docs.

12 and 13), and attempted to file an illegible proposed second amended complaint (Doc. 18). The Court found that none of Plaintiff’s filings cured the deficiencies noted in the MOSC, and the Court entered a Memorandum and Order dismissing this case on January 16, 2026. (“M&O,” Doc. 19.) Then, the Court received another proposed second amended complaint (Doc.

22) from Plaintiff on January 26, 2026. The Court examined the filing and found that Plaintiff had already been denied leave to file his second amended complaint based on futility, and that the matter remained closed. (Doc. 23.) This matter is before the Court on Plaintiff’s Motion for Reconsideration (Doc. 26) filed on February 10, 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 request for reconsideration, Plaintiff argues that he was “in compliance” because he submitted supplemental information of nearly 44 pages. (Doc. 26, at 1.) Plaintiff seems to be referring to his proposed second amended complaint (Doc. 22).

As mentioned above, the Court reviewed Plaintiff’s filing and found Plaintiff had been denied leave to file a second amended complaint based on futility, and that the matter remained closed. See Doc. 23. Plaintiff continues to ignore the bases for dismissal explained in the MOSC. He 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 January 16, 2026 Order and Judgment, and that ruling stands. IT IS THEREFORE ORDERED BY THE COURT that Plaintiff’s Motion for Reconsideration (Doc 26) is denied.

IT IS SO ORDERED. Dated February 11, 2026, in Kansas City, Kansas. S/ John W. Lungstrum
JOHN W. LUNGSTRUM UNITED STATES DISTRICT JUDGE