

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Marcus Lee Graham v. Ms. (Jane Doe) Klink, Psychologist, and Lisa
Duncan, Licensed Psychology Member

Civil No. 25-1426 (W.D. Pa. May 12, 2026) · No. 2:25-cv-01426 · Decided May 12, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania denied Marcus Lee Graham’s motion under Federal Rule of Civil Procedure 59(e), construing it as a motion for reconsideration. The court held that Graham reasserted arguments and evidence previously considered and did not establish an intervening change in law, newly available evidence, clear legal error, or manifest injustice.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Marilyn J. Horan
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	May 12, 2026
DOCKET	2:25-cv-01426
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to set aside the judgment, reinstate and grant injunctive relief, amend his complaint, and obtain appointed counsel. The court construed the motion as one for reconsideration and denied it.
STANDARD OF REVIEW	A motion for reconsideration is appropriate only upon an intervening change in controlling law, newly available evidence, or the need to correct clear error of law or prevent manifest injustice.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Marcus Lee Graham v. Ms. (Jane Doe) Klink, Psychologist, Lisa Duncan, Licensed Psychology Member

TOPICS

motion for reconsideration

motion to amend

injunctions

civil procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

military law

QUESTIONS PRESENTED

1. Whether Graham's Rule 59(e) motion should be construed as a motion for reconsideration.
2. Whether Graham established an intervening change in controlling law, newly available evidence, clear legal or factual error, or manifest injustice warranting reconsideration.
3. Whether the judgment, denial of injunctive relief, and denial of leave to amend should be set aside.

HOLDINGS

1. A motion labeled under Rule 59(e) is properly construed as a motion for reconsideration when the relief sought challenges prior decisions rather than merely seeking to alter or amend the judgment.
2. Reconsideration is unavailable where the movant merely reasserts arguments and evidence previously presented and does not establish an intervening change in controlling law, newly available evidence, clear error, or manifest injustice.

KEY QUOTATIONS

“A motion for reconsideration “must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice.””

“Motions for reconsideration are not to be used to reargue or relitigate matters already decided.”

FACTUAL BACKGROUND

Graham relied on prior case citations concerning nonconsensual experimentation by the United States military and on a declaration regarding recent dental work. He alleged that an integrated circuit had been reinserted during dental treatment. The court found that it had already considered these arguments and facts and had applied the applicable law.

PROCEDURAL HISTORY

The court had previously dismissed Graham's complaint with prejudice, denied his motions for preliminary injunctive relief and a temporary restraining order, and denied leave to amend. It also adopted a Report and Recommendation. Graham then filed the present Rule 59(e) motion, reasserting arguments and evidence previously presented.

DISPOSITION

dismissed

CASES CITED

- Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010)
- North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)
- Prusky v. Phoenix Life Ins. Co., 2003 WL 22597610, at *2 (E.D. Pa. Nov. 4, 2003)
- Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993)
- Haymond v. Lundy, 205 F. Supp. 2d 390, 395 (E.D. Pa. 2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA MARCUS LEE GRAHAM,) Plaintiff v.) Civil No. 25-1426 MS. (JANE DOE) KLINK, Psychologist, and LISA DUNCAN,) Licensed Psychology Member,) Defendants. Order On Motion To Amend The Judgment Under Fed. R. C. Rule 59(e) Presently before the Court is Plaintiff, Marcus Lee Graham's, Motion to Amend the Judgment Under Fed.

R. C. Rule 59(e). ECF No. 27. The Motion, however, does not seek to alter or amend the judgment. Instead, Mr. Graham requests that the Court completely set aside its Judgment Order and Order adopting the Report and Recommendation; reinstate, and grant, his Motion for Preliminary Injunction/Temporary Restraining Order; grant him leave to amend his complaint; and appoint counsel to represent him.

ECF No. 27, at 5. Mr. Graham's requested relief demonstrates that he is seeking Reconsideration of the Court's decisions dismissing his complaint with prejudice, denying his motions for injunctive relief and denying his motion to amend his complaint. A motion for reconsideration "must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice." *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir.

2010) (citing *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). "Mere dissatisfaction with a court's ruling is not a proper basis for reconsideration." *Prusky v. Phoenix Life Ins. Co.*, 2003 WL 22597610, *2 (E.D. Pa. Nov 04, 2003), citing *Glendon Energy Co. v. Borough of Glendon*, 836 F. Supp. 1109, 1122 (E.D.Pa.1993). "Motions for reconsideration are not to be used to reargue or relitigate matters already decided." *Haymond y. Lundy*, 205 F. Supp.2d 390, 395 (E.D.

Pa. 2002). Mr. Graham appears to base his reconsideration request upon a need to correct clear errors of law and fact. ECF No. 27, at 1-7 (citing cases indicating that non-consensual experimentation has been performed by the United States military); and {ff 8, 11-15 (alleging factual information in support of his complaint). on subjects the Court overlooked material facts and misapprehended controlling law").

However, Mr. Graham is reasserting the same arguments and evidence already presented to the Court. The Court considered Mr. Graham's case citations indicating that nonconsensual military experimentation has occurred in the past.

The Court concluded that such citations did not affect the determination in Mr. Graham's case. The Court also considered Mr. Graham's Declaration regarding his recent dental work to replace two cavities, at which an integrated circuit was allegedly reinserted.

The Court did not overlook any facts and applied applicable law. The Court concludes that Mr. Graham's Motion is an improper attempt "to reargue or relitigate matters already decided." Haymond, 205 F. Supp.2d at 395.

Accordingly, the Motion will be denied. AND NOW, this 12th day of May 2026, for the reasons set forth above, Marcus Lee Graham's, Motion to Amend the Judgment Under Fed. R. C. Rule 59(e), ECF No. 27, construed as a Motion for Reconsideration, is DENIED. s/Marilyn J. Horan
Marilyn J. Horan United States District Judge Marcus Lee Graham HH0105 SCI GREENE 169
PROGRESS DRIVE WAYNESBURG, PA 15370