

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jonathan Michael Brown v. Warden of Perry Correctional Institution

Brown · No. 8:24-cv-5077-JFA · Decided December 30, 2025

SUMMARY

The United States District Court for the District of South Carolina denied Jonathan Michael Brown’s motion for a certificate of appealability. Construing the motion as one to alter or amend the judgment under Federal Rule of Civil Procedure 59(e), the court held that it was untimely because it was filed more than 28 days after the judgment and did not warrant reconsideration.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 30, 2025
DOCKET	8:24-cv-5077-JFA
DISPOSITION	cert_denied
PROCEDURAL POSTURE	Petitioner moved for a certificate of appealability after the court had dismissed his 28 U.S.C. § 2254 habeas petition and declined to issue a certificate of appealability. The court construed the motion as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only to account for an intervening change in controlling law, newly discovered evidence, or the need to correct a clear error of law or prevent manifest injustice. The motion must be filed no later than 28 days after entry of judgment.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jonathan Michael Brown v. Warden of Perry Correctional Institution

TOPICS

- [federal habeas corpus](#)
- [post-conviction relief](#)
- [motion for reconsideration](#)
- [appellate procedure](#)
- [civil procedure](#)

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Brown's motion seeking a certificate of appealability should be construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
2. Whether the Rule 59(e) motion was timely when filed more than 28 days after entry of the judgment.
3. Whether the court should grant reconsideration of its prior denial of a certificate of appealability.

HOLDINGS

1. A motion seeking reconsideration of the court's prior decision denying a certificate of appealability was properly construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
2. A motion to alter or amend a judgment must be filed no later than 28 days after entry of the judgment, and Brown's motion was untimely because it was filed more than 120 days after the order denying a certificate of appealability.
3. Rule 59(e) relief is limited to an intervening change in controlling law, newly discovered evidence, or correction of a clear error of law or prevention of manifest injustice; it may not be used to raise arguments that could have been made before judgment or to rehash issues already decided.

KEY QUOTATIONS

“[R]econsideration of a previous order is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”

“The Fourth Circuit has held such a motion should be granted for only three reasons: (1) to follow an intervening change in controlling law; (2) on account of new evidence; or (3) “to correct a clear error of law or prevent manifest injustice.””

“Motions under Rule 59 are not to be made lightly”

FACTUAL BACKGROUND

Brown's petition for habeas relief under 28 U.S.C. § 2254 had been dismissed, and the court declined to issue a certificate of appealability. Brown sought reconsideration of that decision through a motion signed no earlier than December 19, 2025. Because the motion was filed more than 120 days after the original order and therefore outside Rule 59(e)'s 28-day deadline, the court denied it.

PROCEDURAL HISTORY

The court previously adopted the Magistrate Judge's Report and Recommendation, dismissed Brown's habeas petition, and declined to issue a certificate of appealability. It later denied Brown's Rule 59(e) motion to alter or amend. Brown then filed the present motion seeking reconsideration of the denial of a certificate of

appealability. The court held that the motion was untimely because it was filed more than 28 days after the judgment and denied it.

DISPOSITION

cert_denied

CASES CITED

- Doe v. Spartanburg Cty. Sch. Dist. Three, 314 F.R.D. 174, 176 (D.S.C. 2016)
- Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998)
- Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993)
- Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002)
- Tran v. Tran, 166 F. Supp. 2d 793, 798 (S.D.N.Y. 2001)

OPINION

Brown

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

C/A No. 8:24-cv-5077-JFA Jonathan Michael Brown, Petitioner, v.

OPINION AND ORDER

Warden of Perry Correctional Institution, Respondent. This matter is before the Court on Petitioner Jonathan Michael Brown’s “Motion for Certificate of Appealability.” (ECF No. 61). Previously, this court dismissed Brown’s petition for habeas relief pursuant to 28 U.S.C. § 2254. (ECF No. 49). Within that Order, the court specifically declined to issue a certificate of appealability. (ECF No. 49, p. 27). That decision was later reiterated in the Order denying Brown’s motion to alter or amend pursuant to Rule 59(e). (ECF No. 59). Because Brown is now attempting to have this court alter its previous decision to deny a certificate of appealability, the instant motion is hereby construed as a Motion to Alter or Amend the Judgment pursuant to Rule 59(e). (ECF No. 61). Motions under Rule 59 are not to be made lightly: “[R]econsideration of a previous order is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” 12 James Wm. Moore et al., *Moore’s Federal Practice* ¶ 59.30[4] (3d ed.); Doe v. Spartanburg Cty. Sch. Dist. Three, 314 F.R.D. 174, 176 (D.S.C. 2016) (quoting Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998)). The Fourth Circuit has held such a motion should be granted for only three reasons: (1) to follow an intervening change in controlling law; (2) on account of new evidence; or (3) “to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993) (emphasis added). Rule 59 motions “may not be used to make arguments that could have been made before the judgment was entered.” Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002). Nor are they opportunities to rehash

issues already ruled upon because a litigant is displeased with the result. See *Tran v. Tran*, 166 F. Supp. 2d 793, 798 (S.D.N.Y. 2001). Additionally, a “motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). Here, Petitioner seeks to have this Court reconsider its prior order (ECF No. 49) adopting the Magistrate Judge’s Report and Recommendation and consequently dismissing this action without a certificate of appealability. The motion was filed no sooner than December 19, 2025, as that is the date noted next to Brown’s signature. (ECF No. 61, p. 7). This is more than 120 days since the filing of the court’s original order denying a certificate of appealability. Because Brown was required to file his motion within 28 days of the entry of the judgment he now seeks to amend, his motion is untimely. Accordingly, Brown’s motion for a certificate of appealability is denied. IT IS SO ORDERED. On to 4 a 9 December 30, 2025 Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge