

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RICHARD FRAME, ET AL.

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VS.

ACTION NO. 4:05-CV-470-Y

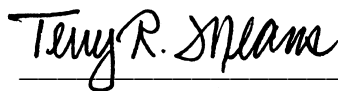
THE CITY OF ARLINGTON

ORDER DENYING MOTION TO ALTER OR AMEND THE JUDGMENT

Pending before the Court is Plaintiffs' Motion to Alter and/or Amend the Judgment of Dismissal [doc. # 109], filed April 14, 2008. *See* FED. R. CIV. P. 59(e). After considering the motion, the response, and the reply, the Court DENIES the motion.

Reconsideration under Rule 59(e) is appropriate only where (1) it can be clearly established that this Court committed either a manifest error of law or fact; (2) the Court is presented with newly discovered evidence; or (3) there has been an intervening change in controlling law. *See Schiller v. Physicians Res. Group, Inc.*, 342 F.3d 563, 567-68 (5th Cir. 2003). Relief under Rule 59(e) is an extraordinary remedy that should be used sparingly. *Templet v. HydroChem, Inc.*, 367 F.3d 473, 479 (5th Cir. 2004). Although Plaintiffs narrow their challenge to allege that this Court committed a manifest error of law, Plaintiffs have failed to persuade in light of Defendant's response arguments.

SIGNED May 20, 2008.



TERRY R. MEANS

UNITED STATES DISTRICT JUDGE