

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

SHARON BURNETTE, et al.,

Plaintiffs,

v.

HELEN F. FAHEY, in her capacity as Chair of
the Virginia Parole Board, et al.,

Defendants.

Civil Action No. 3:10cv70

PLAINTIFFS' RULE 59(e) MOTION TO ALTER OR AMEND JUDGMENT

Plaintiffs respectfully move the Court, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, to alter or amend the Order granting Defendant's Rule 12(b)(6) Motion to Dismiss by changing the Order to a dismissal without prejudice. The purpose of the requested change is to give Plaintiffs an opportunity to amend their Class Action Complaint to comply with the standards articulated by the Court in its Memorandum Opinion filed simultaneously with its order of dismissal. Plaintiffs further request that the Court grant Plaintiffs a period of at least sixty days from the date of the order amending or altering the judgment within which to file a motion for leave to file an amended complaint, together with a copy of the proposed amended complaint.

The grounds for this motion are more fully set forth in Plaintiffs' supporting memorandum filed herewith.

Respectfully Submitted,

November 22, 2010

SHARON BURNETTE, PAMELA K.
BURROUGHS, FRANK CARTER, JR.,
EDWARD CONQUEST, DONALD W.
HOFFMAN, MONTY KING, LARRY
MACON, MARVIN MCCLAIN, BENJAMIN
PERDUE, JR., HENRY STUMP and
BARBARA TABOR, suing on behalf of
themselves and all others similarly situated

By: _____ /s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2010, I caused to be electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which then will send automatic notification of such filing (NEF) to the following:

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