

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)
)
Robin Virginia Heinze,) Case No. 02-83050C-7D
)
Debtor.)
)

ORDER

This case is before the court for consideration of a motion for reconsideration which was filed by George Paul Laroque on February 12, 2008. The motion requests that the court reconsider an order that was entered on February 4, 2008 (Docket Item #88) ("the February 4 order"). For the reasons that follow the court has concluded that the motion should be denied.

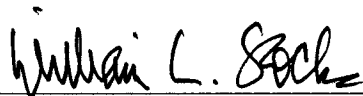
While not specifically providing for a motion for reconsideration, the Federal Rules of Civil Procedure in Rule 59(e) and the Federal Rules of Bankruptcy Procedure in Rule 9023 do provide for a motion to alter or amend an order or judgment in bankruptcy cases. Since Mr. Laroque's motion seeks to alter the February 4 order, the motion will be treated as one pursuant to Federal Rule 59(e).

A Rule 59(e) motion or motion for reconsideration may not be used to re-litigate the same matters already determined by the court in an earlier order or judgment. See Dale & Selby Superette and Deli v. United States Dep't of Agric., 838 F. Supp. 1346, 1347-48 (D. Minn. 1993). Nor is a Rule 59(e) motion or motion for reconsideration appropriate merely because the movant disagrees

with the court's application of the law in a previous order or judgment. See Hutchinson v. Staton, 994 F.2d 1076, 1082 (4th Cir. 1993). A Rule 59(e) motion or motion for reconsideration may be granted (1) to accommodate intervening change in the law, (2) to account for new evidence not available at trial, (3) to correct clear error of law, or (4) to prevent manifest injustice. See EEOC v. Lockheed Martin Corp., 116 F.3d 110, 112 (4th Cir. 1997). Having carefully considered Mr. Laroque's motion for reconsideration and the February 4 order, the court finds that none of the foregoing grounds for relief exist with respect to the February 4 order, and that Mr. Laroque is not entitled to any relief with respect to such order. Mr. Laroque's motion for reconsideration therefore shall be denied.

IT IS SO ORDERED.

This 22nd day of February, 2008.



WILLIAM L. STOCKS
United States Bankruptcy Judge