

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL CRAWLEY : CIVIL ACTION
 :
 v. :
 :
 MARVIN RUNYON, POSTMASTER :
 GENERAL, UNITED STATES POSTAL :
 SERVICE : NO. 96-6862

O R D E R - M E M O R A N D U M

AND NOW, this 13th day of August, 1998, plaintiff Michael Crawley's motion for reconsideration is denied. Fed. R. Civ. P. 59(e).

"The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985); see also Smith v. City of Chester, 155 F.R.D. 95, 96-97 (E.D. Pa. 1994) ("Under Rule 59(e), a party must rely on one of three grounds: 1) the availability of new evidence not previously available, 2) an intervening change in controlling law, or 3) the need to correct a clear error of law or to prevent manifest injustice.").

Plaintiff's motion sets forth the following grounds for reconsideration: (1) Plaintiff's 1993 voice evaluation by his speech pathologist was inaccurate, motion, at 4-5, 7; affidavit, ¶ 10; (2) defendant accommodated five white employees, motion, at 11-12; exh. f; (3) two of maintenance supervisor Marro's superiors

had knowledge of plaintiff's prior EEO activity, motion, at 12-13; (4) plaintiff was substantially limited in the major life activity of working – in that he was unable to perform a broad range of jobs in which speaking over industrial machinery is a requirement, id. at 5; (5) he was "regarded as" disabled by defendant, id. at 10-11; and (6) he had "recurrent" substantially limiting manifestations of spasmodic dysphonia and adjustment disorder, id. at 10.

These grounds do not present any newly discovered evidence – that is, not previously available. See Harsco, 779 F.2d at 909 ("Where evidence is not newly discovered, a party may not submit that evidence in support of a motion for reconsideration. . . . [Defendant] filed only his affidavit containing evidence that was available prior to the summary judgment."). The legal arguments are reformulations of those previously rejected. See memorandum, June 29, 1998, at 11-22. There were no manifest errors of law or fact. Therefore, the reconsideration motion must be rejected.

Edmund V. Ludwig, J.