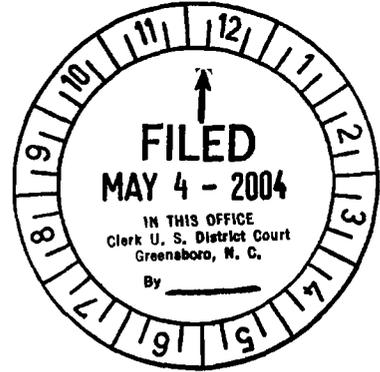


163.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHEPARD JONES,)
)
Plaintiff,)
)
v.)
)
WAYNE BRYANT, SHERIFF,)
Individually and in his)
official capacity as Sheriff)
of Scotland County,)
)
Defendant.)

CIVIL NO. 1:01CV00936



O R D E R

BULLOCK, District Judge

Following the court's entry of a judgment on the jury verdict in the above-entitled case on July 11, 2003, Plaintiff filed a motion for equitable relief on July 22, 2003. Plaintiff agrees that his motion should be considered as one filed under Rule 59(e) to alter or amend the judgment. The only issue remaining for the court's consideration arising from this motion is Plaintiff's request for "the removal of all negative references from his personnel file concerning the circumstances of his unlawful termination." On December 24, 2003, Plaintiff filed a document entitled "Supplemental Motion for Equitable Relief" expanding upon the relief sought in his previously filed motion. Plaintiff's supplemental motion was not authorized by

the court or provided for in the Federal Rules of Civil Procedure. Rule 59(e) provides that any motion to amend a judgment shall be filed no later than ten (10) days after the entry of the judgment. Thus, Plaintiff's "supplemental motion" is untimely.

Defendant objects to the relief sought in Plaintiff's July 22, 2003, motion seeking the removal of any negative references from his personnel file on the grounds that Plaintiff failed to offer any evidence or argument relating to this issue prior to the court's entry of final judgment on July 11, 2003. Defendant also notes that North Carolina law protects the privacy of employee personnel records. See N.C. Gen. Stat. § 155A-98.

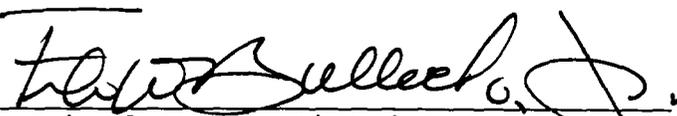
Reconsideration or amendment of a judgment after its entry is "an extraordinary remedy which should be used sparingly." Charles Alan Miller, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure: Civil 2d, § 2810.1 at 124 (2d ed. 1995 & Supp. 2002). A "Rule 59(e) motion may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment." Id. at 127-28 (citing cases).

Plaintiff has made no contention that Bryant or Scotland County have in any way revealed the contents of his personnel file, provided negative references, or disseminated any derogatory information about him in any way. The circumstances

of Plaintiff's termination and the evidence presented and result reached in this lawsuit received widespread media attention in Scotland County and the surrounding area. The evidence, verdict, and judgment are all matters of public record. At this stage of these proceedings, it is not in the interests of justice for the court to conduct an examination of the Defendant's personnel records in an effort to identify any negative information in order to restrain any disclosure which has not occurred or is threatened.

NOW, THEREFORE, IT IS ORDERED that Plaintiff's motions for equitable relief filed on July 22, 2003, [Doc. #130] and December 24, 2003, [Doc. #158] are **DENIED**.

May 4, 2004


United States District Judge