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Brunwasser v. Johns

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-1983

ALLEN N. BRUNWASSER, individually, and as a
REPRESENTATIVE OF A CLASS,

Appellant

v.

CHARLES W. JOHNS, PROTHONOTARY OF THE
SUPREME COURT OF PENNSYLVANIA

Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 01-cv-01255)
District Judge: Honorable Robert J. Cindrich

Submitted Under Third Circuit LAR 34.1(a)
November 21, 2002

Before: BARRY and AMBRO, Circuit Judges
DOWD*, District Judge

(Opinion filed November 27, 2002)

OPINION

*Honorable David D. Dowd, Jr., United States District Judge for the Northern District of Ohio,
sitting by designation.

AMBRO, Circuit Judge:

For essentially the reasons set forth in Magistrate Judge Caiazza's comprehensive and well-reasoned Report and Recommendation dated January 10, 2001, we affirm the District Court's decision to dismiss Brunwasser's class action for lack of standing.

We affirm the District Court's decision to deny Brunwasser's Rule 59(e) Motion because he failed to make the requisite showing. A judgment may be altered or amended if the party seeking reconsideration shows one of the following grounds: (1) an intervening change in the controlling law; (2) the availability of new evidence not available when the court dismissed the case; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Max's Seafood Cafe v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Because Brunwasser failed to demonstrate the existence of any of these grounds, the District Court correctly denied Brunwasser's request.

TO THE CLERK:

Please file the foregoing Opinion.

By the Court,

/s/ Thomas L. Ambro

Circuit Judge