

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-4059

Eric Castaneira,

Appellant,

v.

Ed Ligtenberg, Executive Director of
the South Dakota Board of Pardons and
Paroles; South Dakota Board of
Pardons and Paroles; Robert D. Hofer;
Jerry Lammers; Dennis Kaemingk; Ted
J. Pins, Jr.; Cheryl Laurenz-Bogue;
Thomas Cihak; Mark Marshall, in their
individual capacities as members of the
South Dakota Board of Pardons and
Paroles,

Appellees.

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* Appeal from the United States
* District Court for the
* District of South Dakota.
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* [UNPUBLISHED]
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Submitted: February 4, 2008
Filed: February 5, 2008

Before BYE, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Eric Castaneira appeals following the district court's¹ denial of his Federal Rule of Civil Procedure 59(e) motion in his 42 U.S.C. § 1983 action.

We agree with appellees that the only matter before us is the ruling on Castaneira's postjudgment motion, which this court reviews for clear abuse of discretion. See Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998). The purpose of a Rule 59(e) motion is to correct manifest errors of fact or law or to offer newly discovered evidence, but not to introduce new evidence or legal theories, or to make arguments which could have been made before entry of judgment. See id. In seeking Rule 59(e) relief, Castaneira merely presented an argument that he could have raised in his counseled summary judgment resistance, and he asserted that discovery should have occurred before summary judgment was granted, although his counsel had not sought a continuance under Fed. R. Civ. P. 56(f), see Stanback v. Best Diversified Prods., Inc., 180 F.3d 903, 911 (8th Cir. 1999) (party opposing summary judgment who believes he has not had adequate time for discovery must seek relief under Rule 56(f), which requires filing affidavit with trial court specifying facts further discovery might reveal). We thus find no basis for overturning the Rule 59(e) order.

Accordingly we affirm. See 8th Cir. R. 47B. We also grant Castaneira's motion to file his reply brief out of time.

¹The Honorable Lawrence J. Piersol, United States District Judge for the District of South Dakota.