

ENTERED

February 11, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THOMAS A. WILBERN, III,

Plaintiff,

V.

BAYVIEW LOAN SERVICING,

Defendant.

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CIVIL ACTION NO. H-18-4363

ORDER

Pending is Plaintiff's Motion for New Trial (Document No. 21), in which Plaintiff essentially seeks reconsideration of the Memorandum and Order that granted Defendant's Motion for Summary Judgment. Having considered the motion, the response in opposition, the Memorandum and Order granting summary judgment, and the applicable law, it is ORDERED, for the reasons set forth by Defendant in its Response (Document No. 22), that Plaintiff's Motion for New Trial (Document No. 21) is DENIED. In making that determination, it is specifically noted that the allegations in the Supplemental pleading Plaintiff attempted to file were not properly before the Court in considering Defendant's Motion for Summary Judgment, and the after-filed affidavit of Plaintiff, filed as an attachment to Plaintiff's Motion for New Trial, does not contain any newly discovered evidence that would warrant reconsideration under FED. R. CIV. P. 59(e).

Signed at Houston, Texas, this 11th day of February, 2020.

 FRANCES H. STACY
 UNITED STATES MAGISTRATE JUDGE