

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 18-24145-CIV-WILLIAMS**

JOHN DOE 1, *et al*,

Plaintiffs,

vs.

RICHARD L. SWEARINGEN,

Defendant.

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

THIS MATTER is before the Court on Plaintiffs' Motion to Alter or Amend Order and Judgment and/or Relief from Order and Judgment. (DE 203). Defendant filed a response (DE 208) and Plaintiffs filed a reply (DE 211). For the reasons set forth below, Plaintiffs' motion (DE 203) is **DENIED**.


A motion to alter or amend judgment under Rule 59(e) "should be granted only on the basis of newly-discovered evidence or a manifest error of law or fact." *Levinson v. Landsafe Appraisal Servs., Inc.*, 558 F. App'x 942, 946 (11th Cir. 2014). "A movant 'cannot use a Rule 59(e) motion to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.'" *Id.* (quoting *Michael Linet, Inc. v. Village of Wellington, Fla.*, 408 F.3d 757, 763 (11th Cir. 2005)). In their motion, Plaintiffs again argue that their claims are not time barred because of the continuing violation doctrine. The Court previously addressed this same argument during the November 17, 2020 hearing on Defendant's motion to dismiss and in the Order granting Defendant's motion to dismiss. (DE 199; DE 201). And for the same reasons set

forth during the hearing and in the Order of dismissal, the Court finds the continuing violation doctrine is not applicable.

Plaintiffs' request that the Court amend its judgment to dismissal *without* prejudice so that Plaintiffs may file another amended complaint is likewise denied. Plaintiffs have had multiple opportunities to amend their claims to address the statute of limitations issue raised by Defendant. Plaintiffs have filed three complaints in this matter (DE 1; DE 50; DE 102), and, as noted by Defendant in its response, Defendant first raised its statute of limitations argument in its original motion to dismiss filed on November 21, 2018 (DE 10). To the extent Plaintiffs now seek to present claims by parties not previously before the Court, or claims challenging requirements created by specific amendments to the Florida Sex Offender Registration Law that are within the statute of limitations—challenges not previously presented—they may do so in a new action.

Accordingly, based on a careful review of the record and Plaintiffs' motion (DE 203), it is **ORDERED AND ADJUDGED** that Plaintiffs' motion is **DENIED**.

DONE AND ORDERED in Chambers in Miami, Florida, this 1st day of February, 2021.


KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE