

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM SEYMOUR JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-824
)	
)	
SUPT. LOUIS S. FOLINO, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION

On February 25, 2010, this court granted defendants’ motion for summary judgment and entered final judgment in favor of defendants with respect to all claims asserted by William Seymour Jones (“Jones”) in this prisoner civil rights case. (ECF Nos. 159, 160.) The Court of Appeals for the Third Circuit affirmed this court’s judgment in 2011. (ECF Nos. 164-65.) Three years later plaintiff, Jones, who at all times has proceeded pro se, filed various motions asking this court to reopen that judgment and rule in his favor, instead of defendants’ favor, on his various claims that he was treated improperly while incarcerated. (ECF Nos. 166, 169, 17-73, 176-77.) The court denied each of these motions, explaining that Jones was not entitled to relief from the 2010 judgment under Federal Rules of Civil Procedure 60(d) or 59(e). (ECF Nos. 174, 178.) Jones has at least “three strikes” for purposes of 28 U.S.C. § 1915. (ECF No. 165-1 at 2 n.1; ECF No. 174 at 5.)

The court advised Jones in its June 16, 2014 opinion that:

Further motions from this litigant raising the same, or substantively indistinguishable, objections to this court’s 2010 final judgment, or these orders refusing to alter it, will be denied without opinion.

(ECF No. 178 at 4.) Two years after this court issued that order, Jones filed the instant motion, entitled “Motion of Pro Se “Placeholder Petition” Pursuant to Fed.R.Civ.P. Rule 15(c)(2).” (ECF No. 180.) In the motion, Jones asks this court to “reopen” this civil rights case and to permit his claims about death threats made to him by Captain Graine and the Commonwealth of Pennsylvania’s failure to transfer him into federal custody in 2000 to “relate back to the timely filed 42 U.S.C. § 1983 [complaint].” (Id.)

Despite Jones’ attempt to characterize the instant motion as one made under Federal Rule of Civil Procedure 15, because final judgment was entered in this case Jones cannot obtain relief under that Rule, which relates to amended and supplemental pleadings, without first having the 2010 judgment reopened or vacated. FED. R. CIV. P. 59, 60; United States v. Union Corp., 194 F.R.D. 223, 230-31 (E.D. Pa. 2000). This court previously ruled that any further motions attempting to secure that kind of relief would be summarily denied. (ECF No. 178 at 4.) Jones’ motion could be denied on this basis alone.

Even putting this aside, however, Jones’ motion fails on its merits. The death threats allegedly made by Captain Graine and the Commonwealth of Pennsylvania’s alleged failure to timely transfer Jones to federal custody were matters addressed in this court’s summary judgment decision, which was issued in 2010. (ECF No. 155 at 5-6, 7, ECF No. 159.) The court explained in that opinion why those grievances did not entitle Jones to relief under § 1983. (Id.) Jones’ continued disagreement with this court’s summary judgment decision does not entitle Jones to reopen a case that was closed more than five and a half years ago so that he can amend a complaint that was filed more than eight years ago in order to reassert claims that were already adjudicated in this proceeding.

For each of the foregoing reasons, Jones is entitled to no relief on his motion. Jones' continued attempts to attack this court's 2010 summary judgment decision and the resulting judgment in defendants' favor are improper and futile.

September 6, 2016

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief U.S. District Court Judge

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