

MEMORANDUM OPINION AND ORDER

Plaintiff Luke Adam Stanton, Sr., an inmate confined at the Michael Unit, proceeding *pro se*, brought the above-styled lawsuit. Plaintiff's lawsuit was dismissed for failing to pay an initial partial filing fee.

Plaintiff has filed a motion for extension of time to file objections to the Report recommending dismissal. However, the motion for extension of time was not received until after the final judgment had been entered. Additionally, the court received the initial partial filing fee after the lawsuit was dismissed. Interpreted liberally, plaintiff's motion is therefore construed as a motion for relief from judgment.

FED. R. CIV. P. 59 provides in pertinent part the following:

- (a)(1) Grounds for New Trial. The court may, on motion, grant a new trial on all or some of the issues and to any party as follows:
- (A) after a jury trial, for any of reason for which a new trial has heretofore been granted in an action at law in federal court; or
- (B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.
- (2) Further Action After a Nonjury Trial. After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.
- (e) Motion to Alter or Amend Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

After careful consideration of the circumstances in this case, the court is of the opinion that plaintiff's motion warrants relief from the judgment. Accordingly, the case should be reinstated on the court's active docket.

ORDER

For the reasons set forth above, relief from the judgment should be granted and the case should be reinstated on the court's active docket. It is

ORDERED that plaintiff's motion for relief from judgment is **GRANTED**. The Clerk of Court is **DIRECTED** to reinstate the above-styled action on the court's active docket.

SIGNED at Beaumont, Texas, this 2nd day of August, 2021.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE