
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JIHAD AL-ALI,

Plaintiff,

vs.

SALT LAKE CITY, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER DISMISSING COMPLAINT**

Case No. 2:09CV1069DAK

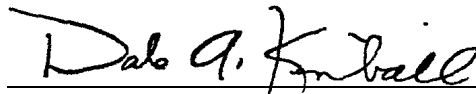
On December 14, 2009, Plaintiff filed a Complaint for Relief from Judgment. Plaintiff seeks to have this court vacate and set aside a criminal judgment entered against him by Salt Lake City. The Complaint states that it is brought pursuant to Rule 60(b) of the Federal Rules of Civil Procedure and that Rule 60(b) gives this court jurisdiction to entertain this case.

Rule 60(b) of the Federal Rules of Civil Procedure “has no applicability to a criminal proceeding.” *United States v. Tripplett*, 166 Fed. Appx. 362, 2006 WL 270247, * 3 (10th Cir. 2006) (citing *United States v. Mosavi*, 138 F.3d 1365, 1366 (11th Cir. 1998) (per curiam) (“Rule 60(b) simply does not provide for relief from judgment in a criminal case.”)). Moreover, Rule 60(b) of the Federal Rules of Civil Procedure does not provide this court with jurisdiction over the case. After reviewing Plaintiff’s allegations, there is no basis for federal jurisdiction over this matter. Plaintiff must obtain relief from judgment within the state court system in which his judgment was entered.

Accordingly, Plaintiff has failed to state jurisdiction and the court dismisses Plaintiff's Complaint. Plaintiff's pending Motion to Disqualify Counsel is MOOT. The Clerk of Court is directed to close the case.

DATED this 6th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Dale A. Kimball". The signature is written in a cursive style and is positioned above a horizontal line.

DALE A. KIMBALL
United States District Judge