IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

VINCENT ELLIOT WILSON,
Plaintiff,

v. Civil No. 3:23cv189 (DJN)

BETH ARTHUR, *et al.*,
Defendants.

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on March 27, 2023, the Court dismissed Plaintiff's action without prejudice, because he had three strikes under 28 U.S.C. § 1915(g). (ECF Nos. 3, 4.) On June 20, 2023, the Court received from Plaintiff his Motion to Alter or Amend the Judgment. (ECF No. 10.) Because Plaintiff's Motion to Alter or Amend was received after the time for filing a motion under Federal Rule of Civil Procedure 59(e) expired, the Motion to Alter or Amend is governed by Federal Rule of Civil Procedure 60(b). *See In re Burnley*, 988 F.2d 1, 2–3 (4th Cir. 1992).

A party seeking relief under Federal Rule of Civil Procedure 60(b) must make a threshold showing of "timeliness, a meritorious [claim or] defense, a lack of unfair prejudice to the opposing party, and exceptional circumstances." *Dowell v. State Farm Fire & Cas. Auto. Ins. Co.*, 993 F.2d 46, 48 (4th Cir. 1993) (quoting *Werner v. Carbo*, 731 F.2d 204, 207 (4th Cir. 1984)). After a party satisfies this threshold showing, "he then must satisfy one of the six specific sections of Rule 60(b)." *Id.* (citing *Werner*, 731 F.2d at 207). Furthermore, a litigant cannot use Rule 60(b) simply to request "reconsideration of legal issues already addressed in an earlier ruling." *CNF Constructors, Inc. v. Donohoe Constr. Co.*, 57 F.3d 395, 401 (4th Cir. 1995).

Plaintiff fails to identify under what subsection of Rule 60(b) he contends that he is entitled to relief. Further, Plaintiff fails to demonstrate any exceptional circumstances that warrant relief under Rule 60(b). *Dowell*, 993 F.2d at 48. Accordingly, Plaintiff's Motion to Alter or Amend (ECF No. 10) will be DENIED.

An appropriate Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/
David J. Novak
United States District Judge

Richmond, Virginia
Dated: September 19, 2023