

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES D. W. CARR,

Petitioner,

v.

CIVIL ACTION NO. 2:12-0909

WARDEN DAVID BALLARD,

Respondent.

MEMORANDUM OPINION AND ORDER

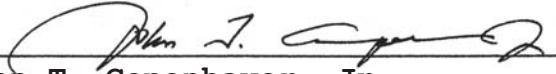
Pending is the petitioner's letter-form request received October 9, 2012, which the court treats as a Rule 60(b) motion for relief from judgment. The Clerk is directed to file the motion, redacting the name on page 3 of the filing inasmuch as it makes unsubstantiated accusations against a third-party not before the court.

On August 17, 2012, the court adopted the proposed findings and recommendation of the magistrate judge recommending denial, on limitations grounds, of petitioner's request for relief pursuant to 28 U.S.C. § 2254. The Judgment was entered that same day. In the instant Rule 60(b) motion, petitioner essentially asks the court to revisit the circumstances surrounding his state conviction and sentence. The limitations analysis bars that approach.

The court, accordingly, ORDERS that the Rule 60(b) motion be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the United States Magistrate Judge.

DATED: December 20, 2012



John T. Copenhaver, Jr.
United States District Judge