

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

WANDA NELSON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:17cv207-MHT
)	(WO)
FEDERAL HOME LOAN MORTGAGE)	
CORPORATION, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This lawsuit is before the court on the motion to set aside the agreement filed by defendant Donald D. Phillips on May 3, 2018, in which he asks the court to set aside the parties settlement agreement and set the case for trial. The court construes Phillips's motion as a motion to set aside the judgment of dismissal--rather than the "agreement"--because the court cannot set the case for trial without first setting aside the judgment.

On February 27, 2018, after receiving notice that the case had settled, the court entered a judgment

dismissing the case with prejudice but granting the parties leave to file, "within 49 days, a motion to have the dismissal set aside and the case reinstated or the settlement enforced, should the settlement not be consummated." Judgment (doc. no. 59). Defendant Phillips filed his motion to set aside well after the 49 days had passed.

Because the motion to set aside the judgment was filed too late, it is ORDERED that the motion (doc. no. 60) is denied.

This case remains closed.

DONE, this the 10th day of May, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE