

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**FREDERICK L. PITCHFORD**

**PLAINTIFF**

v.

**No. 3:06-CV-00044 GTE**

**DANIEL MADDEN TURBITT,  
UNITED STATES MERIT SYSTEMS PROTECTION BOARD  
ADMINISTRATIVE JUDGE**

**DEFENDANTS**

**ORDER**

Before the Court is a second Petition to Vacate Order filed by Plaintiff Frederick L. Pitchford, *pro se*.<sup>1</sup> Pitchford has also requested an evidentiary hearing. Defendant Daniel Madden Turbitt has filed responses to both motions.

Pitchford requests that this Court vacate an Order entered December 31, 2002, by Defendant Turbitt in his role as an Administrative Law Judge. For the reasons well stated in Defendant's response, Fed. R. Civ. P. 60 provides no authority to vacate Judge Turbitt's Order. The Court further concludes that Pitchford's motion, filed almost 8 years following Judge Turbitt's decision, is untimely and completely without merit.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Vacate Order (Docket No. 40) and Motion for Evidentiary Hearing (Docket No. 41) be, and they are hereby, DENIED.

IT IS SO ORDERED this 8th day of September, 2010.

/s/Garnett Thomas Eisele  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court previously denied Pitchford's petition arguing that this Court lacked subject matter jurisdiction when it dismissed Plaintiff's Complaint. See Order filed October 13, 2006, Docket No. 32.