

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

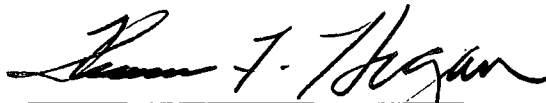
UNITED STATES OF AMERICA,)
)
)
v.) **Crim. No. 98-071-01 (TFH)**
)
THOMAS FIELDS,)
)
)
Defendant.)

ORDER

On July 24, 2007, defendant filed a "Motion For Relief Under Federal Rules Civil Procedure 60(b)(2) Newly Discovered Evidence." As Mr. Fields is a criminal defendant, his motion is more appropriately characterized as a Motion For A New Trial Based On Newly Discovered Evidence under Federal Rule of Criminal Procedure 33.¹ Federal Rule of Criminal Procedure 33(b)(1) provides: "[a]ny motion for a new trial grounded on newly discovered evidence must be filed within 3 years after the verdict or finding of guilty." Mr. Fields was convicted on June 1, 1999, and filed the pending motion approximately 8 years later on July 24, 2007. Accordingly, Mr. Fields' motion is, hereby, **DENIED** as untimely.

SO ORDERED

August 2, 2007


Thomas F. Hogan
Chief Judge

¹ Even if Federal Rule of Civil Procedure 60(b)(2) applied to criminal defendants, Mr. Fields would be out of time as Rule 60(b)(2) provides: ". . . [t]he motion shall be made within reasonable time, and for [newly discovered evidence] not more than one year after the judgment, order, or proceeding was entered or taken."