

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL FENWICK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 07-2330 (PLF)
)	
UNITED STATES OF AMERICA, <u>et al.</u> ,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court on plaintiff Michael Fenwick’s motion for leave to withdraw and replace his motion for reconsideration [Dkt. 89]. The Court will deny the motion.

This Court’s February 3, 2016 Memorandum Opinion and Order provided Fenwick clear guidance: he should take “all of the time that he may need to attempt to reverse his juvenile adjudication in the District of Columbia Superior Court,” because reversing that adjudication is a precondition for Fenwick to ask this Court to reconsider its opinion on summary judgment — Fenwick v. United States, 926 F. Supp. 2d 201 (D.D.C. 2013) — pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure. See MEMORANDUM OPINION AND ORDER at 2-3 [Dkt. 87]. Fenwick’s motion does not indicate that he has obtained such a reversal, and any motion to reconsider under Rule 60(b)(5) therefore is premature.

The Court also notes that Fenwick sought [Dkt. 88] — and the Court granted him — an extension of time up to and including February 22, 2016 to file an opposition to defendants Pudimott and Fischer’s motion for entry of judgment [Dkt. 86]. Instead of filing an opposition, Fenwick filed the instant motion for leave to withdraw and replace his motion for

reconsideration. The Court will not construe the motion for leave as an opposition to defendants Pudimott and Fischer's motion for entry of judgment, but will permit Fenwick a short period of additional time to file his opposition, if any.

Accordingly, it is hereby

ORDERED that Fenwick's motion for leave to withdraw and replace his motion for reconsideration [Dkt. 89] is DENIED; and it is

FURTHER ORDERED that Fenwick shall have up to and including March 11, 2016 to file his opposition, if any, to Defendants Pudimott and Fischer's motion for entry of judgment [Dkt. 86].

SO ORDERED.

/s/ _____
PAUL L. FRIEDMAN
United States District Judge

DATE: February 29, 2016