

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAY 29 2019**

Clerk, U.S. District and  
Bankruptcy Courts

Charmane Smith, )  
)  
Plaintiff, )  
)  
v. )  
)  
Athenahealth, Inc. et al., )  
)  
Defendants. )

Civil Action No. 19-740 (UNA)

MEMORANDUM OPINION

In response to the Order of dismissal filed April 8, 2019, plaintiff has filed a “Motion for Relief from Order and to Remove Judge F.R.C.P. 60(b) and Title 28 U.S.C. § 455.” Judge Emmet G. Sullivan, whom plaintiff seeks to remove, is not presiding over this unassigned matter; therefore, plaintiff’s motion for his recusal is moot.

The Court, in its discretion, may relieve a party from a final judgment, order or proceeding for any one of six enumerated reasons, *see* Fed. R. Civ. P. 60(b)(1)-(6), none of which plaintiff has asserted. To justify reopening this matter, moreover, plaintiff must show that her underlying claim is meritorious. She need not satisfy a particularly “high bar” but still must offer “a hint of a suggestion” that she might prevail if the case is reopened. *Thomas v. Holder*, 750 F.3d 899, 902 (D.C. Cir. 2014) (quoting *Marino v. DEA*, 685 F.3d 1076, 1080 (D.C. Cir. 2012) (internal quotation marks omitted)). Plaintiff has made no such showing; therefore, her Rule 60 motion will be denied. A separate order accompanies this Memorandum Opinion.

Date: May 29<sup>th</sup>, 2019

  
United States District Judge