

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TORREY D. WALKER,

Petitioner,

v.

Case No.: 2:19-cv-190-SPC-MRM

D. SNIDER,

Respondent.

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OPINION AND ORDER

Before the Court are Petitioner Torrey Walker's two motions for relief from judgment under Federal Rule of Civil Procedure 60. (Docs. 60 and 61). On August 9, 2021, the Court denied Walker's petition for a writ of habeas corpus and declined to issue a certificate of appealability (COA). Walker asks the Court to reconsider its decision not to issue a COA. The Eleventh Circuit has already affirmed the decision, finding that no reasonable jurist would debate the Court's denial of Walker's habeas petition. (Doc. 53).

Walker's motions are untimely. Rule 60(c) allows a party to seek relief from judgment within a reasonable time. The Court entered judgment in this action on August 9, 2021. (Doc. 39). Walker filed his motions about two years later. The Court finds that Walker did not file the motions within a reasonable time after entry of judgment.

Walker's motions also lack merit. Reconsideration of a prior order is an extraordinary measure that should be applied sparingly. *Adams v. Beoneman*, 335 F.R.D. 452, 454 (M.D. Fla. 2020). Court orders are not intended as first drafts subject to revisions at a litigant's pleasure, so a movant must establish extraordinary circumstances supporting reconsideration. *Gold Cross EMS, Inc. v. Children's Hosp. of Ala.*, 108 F. Supp. 3d 1376, 1384 (S.D. Ga. 2015). "A motion for reconsideration should raise new issues, not merely readdress issues previously litigated." *PaineWebber Income Props. v. Mobil Oil Corp.*, 902 F. Supp. 1514, 1521 (M.D. Fla. 1995).

Walker's motions merely rehash arguments already rejected by this Court and by the Eleventh Circuit. He has not demonstrated any extraordinary circumstances that would justify reconsideration.

Accordingly, it is now

ORDERED:

Petitioner Torrey Walker's motions for relief from judgment (Docs. 60 and 61) are **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on November 16, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record