

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STEPHEN MORETTO,

Plaintiff,

v.

Case No.: 2:23-cv-1033-SPC-NPM

FLORIDA DEPARTMENT OF
CORRECTIONS and
CENTURION,

Defendants.

OPINION AND ORDER

Before the Court is Plaintiff Stephen Moretto's "Notice to Court" (Doc. 10). Moretto voluntarily dismissed this action over a month ago so he could refile it later, and the Court entered judgment and closed the case. Moretto now asks the Court to reopen the case to seek damages stemming from a recent injury. Federal Rule of Civil Procedure 60 provides the means for requesting relief from judgment, but it does not provide a party relief from a tactical litigation decision it regrets. *See Waddell v. Hendry Cnty. Sheriff's Office*, 329 F.3d 1300, 1310 (11th Cir. 2003); *see also Delgrego v. Taylor*, No. 4:11-cv-180-RH/WCS, 2012 WL 1365971, at *1 (N.D. Fla. Apr. 19, 2012) ("The task of managing the district's substantial volume of prisoner cases is difficult enough

without allowing a prisoner to abandon and then reinstate a claim for no reason other than a change of mind.”).

Accordingly, the Court **DENIES** Moretto’s request to reopen this case (Doc. 10). Moretto’s voluntarily dismissal was without prejudice, so he may, of course, commence a new action.

DONE and **ORDERED** in Fort Myers, Florida on February 13, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record