

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KEVIN JOSEPH,

Petitioner,

v.

Case No: 6:17-cv-580-Orl-37DCI

**SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS
and ATTORNEY GENERAL, STATE
OF FLORIDA,**

Respondents.

_____ /

ORDER

This cause is before the Court on Petitioner's Motion for Reconsideration (Doc. 5). The Motion involves the Court's Order (Doc. 3) dismissing the case and corresponding Judgment (Doc. 4).

Petitioner has filed the Motion pursuant to Federal Rule of Civil Procedure 60(b). Federal Rule of Civil Procedure 60(b) permits reconsideration of a district court order or judgment based on limited number of circumstances.¹ A motion under Rule 60(b) must be made within a reasonable time and, for certain matters, no more than a year after the entry of the order or judgment. In particular, a motion based on reasons (1), (2), and (3) must be filed no more than a year after the entry of the judgment or order or the date of

¹ The rule permits a district court to relieve a party from a final order or judgment on grounds including but not limited to (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; or (6) any other reason that justifies relief.

the proceeding. Here, Petitioner fails to allege, or otherwise demonstrate, any of the factors set forth in Rule 60(b) or to provide any other basis for reconsideration of the Order of Dismissal or the judgment entered with regard thereto. At best, Petitioner presents issues already ruled upon by the Court, either expressly or by reasonable implication, which will not support a motion for reconsideration. Since Petitioner has failed to demonstrate any basis for vacating the order of dismissal or the judgment entered with regard thereto, the Motion must be denied.

Accordingly, it is **ORDERED** that Petitioner's Motion for Reconsideration (Doc. 5) is **DENIED**. Further, because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is denied with regard to the denial of this motion.

DONE and **ORDERED** in Orlando, Florida on April 24th, 2017.




ROY B. DALTON JR.
United States District Judge

Copies furnished to:

Unrepresented Party
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