

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

EDWARD VALE,

Plaintiff,

v.

CASE NO. 4:11cv501-MP-WCS

FLORIDA PAROLE COMMISSION,  
et al.,

Defendants.

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**ORDER**

This matter is before the Court on Plaintiff's Motion for Rehearing and Reconsideration. (Doc. 13). On December 12, 2011, the Court accepted the magistrate judge's report and recommendation and dismissed the plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1915(g). The instant motion seeks relief from that order.

The plaintiff moves the Court for rehearing, pursuant to Rule 40(a) of the Federal Rules of Appellate Procedure. However, the Federal Rules of Appellate Procedure are inapplicable in the United States district courts. As such, the Court construes plaintiff's request for relief under the Federal Rules of Civil Procedure.

Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, "the court may relieve a party . . . from a final judgment, order, or proceeding for . . . (6) any [ ] reason that justifies relief." Fed. R. Civ. P. 60(b). However, "relief under [Rule 60(b)(6)] is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances," and "absent such relief, an extreme and unexpected hardship will result." *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984). Even when such circumstances exist, "whether to grant the requested relief is a matter for the district court's sound discretion." *Mock v. Bell Helicopter Textron, Inc.*, 373 Fed. Appx. 989, 991 (11th Cir. 2010).

Plaintiff has failed to show any exceptional circumstances that would justify relief under Rule 60(b)(6). Rule 60(b) is not intended to be a second opportunity for the losing party to make its strongest case, to rehash arguments, or to dress-up arguments that previously failed.

Accordingly, it is now **ORDERED** as follows:

Plaintiff's motion for rehearing and reconsideration (doc 13) is DENIED.

**DONE and ORDERED** this 5th day of January, 2012.

*s/ M. Casey Rodgers*

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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**