

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 97-01202-CIV-KING

CHRISTOPHER COLON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

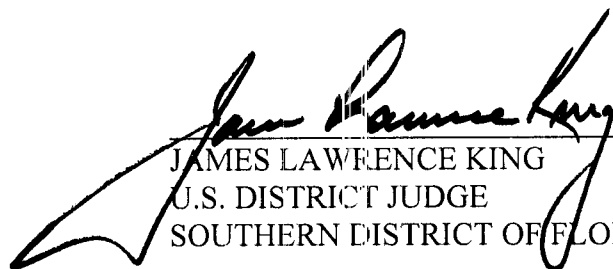
**ORDER DENYING RULE 60(B) MOTION TO BE RELIEVED FROM FINAL
JUDGMENT**

THIS CAUSE comes before the Court upon Defendant's Motion to be Relieved from Final Judgment Under Federal Rules of Civil Procedure Rule 60(b), filed April 20, 2009 (D.E. #4).

In the instant Motion, Petitioner moves the Court to vacate its February 29, 2000 Final Judgment (D.E. #3), denying Petitioner's Motion to Vacate Sentence under 28 U.S.C. § 2255. Petitioner alleges that the Court "improperly based its denial of Colon's petition, on the basis of a misinterpretation of relevant criminal statute of conviction." (D.E. #4). The Federal Rules of Civil Procedure, however, clearly mandate that "[a] motion under Rule 60(b) must be made within a reasonable time—and for reasons (1) [mistake, inadvertence, surprise, or excusable neglect], (2) [newly discovered evidence], and (3) [fraud, misrepresentation, or misconduct by an opposing party] no more than a year after the entry of the judgment or order or the date of the proceeding." Fed. R. Civ. P. 60(c) (emphasis added).

Accordingly, after a careful review of the record and the Court being otherwise fully advised, it is **ORDERED, ADJUDGED, and DECREED** that Defendant's Motion to be Relieved from Final Judgment Under Federal Rules of Civil Procedure Rule 60(b) (**D.E. #4**) be, and the same is hereby, **DENIED as time-barred**.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida this 21st day of April, 2009.


JAMES LAWRENCE KING
U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc:

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