

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON, )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
THE FLORIDA BAR, et al., )  
 )  
Defendants )  
 )  
\_\_\_\_\_ )

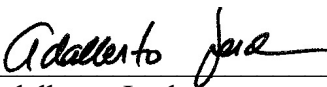
**ORDER DENYING MOTION TO VACATE**

Mr. Thompson's latest motion to vacate pursuant to Rule 60(a) and (b) of the Federal Rules of Civil Procedure [D.E. 386] is DENIED.

In his motion, Mr. Thompson argues that he was entitled to a hearing to show the Bar's purported bad faith. This argument is not adequate for a motion to vacate under Rule 60 because it does not "relate to newly discovered material evidence that would produce a different outcome in the underlying action. Nor do these arguments relate to 'extraordinary circumstances' to justify relief under Fed.R.Civ.P. 60(b)(6)." *See Rease v. AT&T Corp.*, 239 Fed.Appx. 481, 484 (11<sup>th</sup> Cir. 2007). In other words, Mr. Thompson cannot use Rule 60 to make legal arguments that he made or could have made in opposition to the defendants' motion to dismiss.

Further, in the order of dismissal, I held that a hearing was not necessary because I assumed that Mr. Thompson's allegations were true. *See Order of Dismissal at 16.* To the extent that Mr. Thompson is seeking reconsideration of this ruling, his motion is denied as untimely under Rule 59(e).

DONE and ORDERED in chambers in Miami, Florida, this 28<sup>th</sup> day of February, 2008.

  
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Adalberto Jordan  
United States District Judge

Copy to: All counsel of record