

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

MARQUIS CORTEZ WILSON,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

CASE NOS. CV316-041
CR305-024

U. S. DISTRICT COURT
Southern District of GA
Filed In Office

1-16- M 2018
Deputy Clerk

O R D E R

Before the Court is Petitioner Marquis Cortez Wilson's Motion to Vacate Judgment. (Doc. 10.) In the motion, Petitioner seeks to have the judgment dismissing his habeas petition vacated. (Id. at 1.) Petitioner makes his request pursuant to Federal Rule of Civil Procedure 60(b). (Id.)

Rule 60(b) permits the Court to relieve a party from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated;

- or applying it prospectively is no longer equitable; or
(6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). While not entirely clear, it appears that Petitioner seeks relief under Rule 60(b)(4) and (6). (Doc. 10 at 1.) After a careful review of Petitioner's motion and the record in this case, the Court concludes that Petitioner is not entitled to relief. Accordingly, Petitioner's motion is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal.

SO ORDERED this 11th day of January 2018.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA