

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

THOMAS EDWARD NIX, )  
 )  
Petitioner )  
 )  
v. ) CASE NOS. CV411-160  
 ) CR409-164  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )

O R D E R

Before the Court is Petitioner's Motion for Reconsideration Pursuant to Fed. R. Civ. Pro. 60(b)(6).<sup>1</sup> (Doc. 27.) The Court lacks jurisdiction to consider this claim. Federal Rule of Civil Procedure 60(b) "does not provide for relief from a judgment in a criminal case." United States v. Whisby, 323 F. App'x 781, 782 (11th Cir. 2009). Petitioner's motion is in fact an attack on "the federal court's previous resolution of a claim on the merits." Peters v. United States, \_\_\_ F. App'x \_\_\_, 2017 WL 443631, \*1 (11th Cir. 2017). As a result Petitioner's motion is more accurately characterized as a successive § 2255 motion. Because the motion is successive, Petitioner must first "obtain an order from this Court authorizing the

<sup>1</sup> To the extent that Petitioner is merely requesting reconsideration, the Court sees no reason to disturb its prior order.

district court to consider the motion." Id. at \*2. Because Petitioner has not received such authorization, the Court lacks jurisdiction to consider the motion. Id. Accordingly, Petitioner's Motion Reconsideration Pursuant to Rule 60(b) is **DISMISSED**.

SO ORDERED this 22<sup>nd</sup> day of August 2017.



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