

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

THOMAS RAY DICKERSON,

Plaintiff,

v.

WARDEN ROBERT ADAMS; WARDEN  
ADAM JORDAN; and NURSE FNU  
PEACOCK,

Defendants.

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CV 617-109

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O R D E R

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Before the Court is *pro se* Plaintiff Thomas Ray Dickerson's "motion demand grand jury trial." (Doc. 86.) The motion seeks various forms of relief, including a request for an appointment of counsel, but generally restates Plaintiff's deliberate indifference claims. *Pro se* filings are given liberal construction,<sup>1</sup> and therefore Plaintiff's motion is construed as one for relief from judgment. (Docs. 83-84.)

Plaintiff's motion is best considered under Rule 60(b) rather than Rule 59 because it was filed over twenty-eight days after the Order it seeks reconsideration of. See Mahone v. Ray, 326 F.3d 1176, 1178 n.1 (11th Cir. 2003); FED. R. CIV. P. 59(e) (providing twenty-eight day deadline post-judgment for the filing of motions pursuant to the rule). Federal Rule of Civil Procedure 60(b) permits courts to relieve a party from final judgment for six reasons:

1) mistake, inadvertence, surprise, or excusable neglect;

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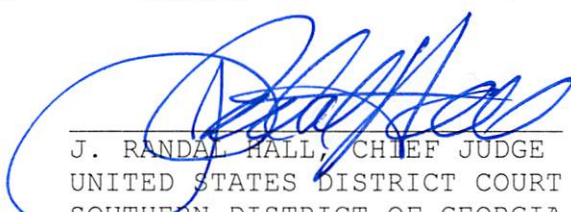
<sup>1</sup> See Haines v. Kerner, 404 U.S. 519, 520 (1972).

- 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, . . . 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). "Motions under [Rule 60(b)] are directed to the sound discretion of the district court." Griffin v. Swim-Tech Corp., 722 F.2d 677, 680 (11th Cir. 1984).

Plaintiff has not stated any of the above grounds. Therefore, his motion (Doc. 86) is **DENIED**. To the extent he seeks an appointment of counsel, that request is **DENIED** for the reasons previously explained. (See Doc. 80.) Plaintiff is reminded that his case was dismissed without prejudice, meaning that if he wishes to further pursue the claims in this case, he may do so by initiating a new lawsuit.

**ORDER ENTERED** at Augusta, Georgia this 22<sup>nd</sup> day of October, 2020.

  
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J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA