

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

|                        |   |                          |
|------------------------|---|--------------------------|
| KEVIN J. BLEVINS,      | ) |                          |
|                        | ) |                          |
| Plaintiff,             | ) |                          |
| v.                     | ) | No. 1:09-cv-1413-TWP-TAB |
|                        | ) |                          |
| SGT. D. PATTON, et al. | ) |                          |
|                        | ) |                          |
| Defendants.            | ) |                          |

**ENTRY**

This civil rights action was dismissed on August 20, 2010 [Dkt. 71], based on the plaintiff's failure to obey an order of the court. The matter presently before the court is the plaintiff's motion for reconsideration filed on **November 16, 2011**, along with his notice of address change.

"Rule 60 regulates the procedures by which a party may obtain relief from a final judgment . . . . The rule attempts to strike a proper balance between the conflicting principles that litigation must be brought to an end and that justice should be done." 11 Charles Alan Wright and Andrew D. Liepold, **Federal Practice and Procedure** § 2851 (4th ed. 2008). "A Rule 60(b) motion permits relief from judgment [only] when it is based on one of six specific grounds listed in the rule." *Talano v. Northwestern Med. Faculty Found.*, 273 F.3d 757, 762 (7th Cir. 2001). A motion for relief from judgment pursuant to Rule 60(b) permits a party to seek relief from judgment on the grounds of mistake, inadvertence, excusable

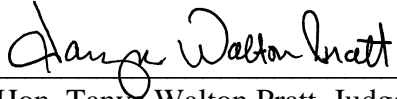
neglect, newly discovered evidence, and fraud. *American Federation of Grain Millers, Local 24 v. Cargill Inc.*, 15 F.3d 726, 728 (7th Cir. 1994). It also authorizes relief for "any other reason justifying relief from the operation of the judgment." Rule 60(b), **F.R.Civ.P.**

In order for a Rule 60(b) movant to obtain the relief requested, he must show that he had both grounds for relief, *Fed. R. Civ. P.* 60(b)(1)-(5), and a meritorious claim or defense. *Breuer Electric Mfg. Co. v. Toronado Systems of America, Inc.*, 687 F.2d 182, 185 (7th Cir. 1982). His motion for reconsideration does not show either of these circumstances. Additionally, relief from judgment under Rule 60 is warranted "only upon a showing of extraordinary circumstances that create substantial danger that the underlying judgment was unjust." *Margoles v. Johns*, 798 F.2d 1069, 1073 (7th Cir. 1986). Blevins' motion does not establish or even suggest that this is the case here. Finally, reinstatement is not an available avenue when, as here, a case is dismissed without prejudice. Rather, "after a dismissal without prejudice, the plaintiff can resurrect his lawsuit only by filing a new complaint." *U.S. v. Ligas*, 549 F.3d 497, 503 (7th Cir. 2008) (noting that "[t]here is a difference between dismissing a suit without prejudice and dismissing a suit with leave to reinstate").

For all of the foregoing reasons, therefore, the plaintiff's motion for reconsideration [Dkt. 84] is denied.

**IT IS SO ORDERED.**

Date: 1/25/2012

  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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