

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ALEXANDER ARMALIN,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:17-cv-00718-TWP-MJD
)	
HENRY COUNTY JAIL,)	
BRENT GRIDER Lt. Commander Henry)	
County Jail,)	
ELLA Officer Henry County Jail,)	
SGT. MILLER Officer Henry County Jail,)	
MADNA Officer Henry County Jail,)	
MORE Officer Henry County Jail,)	
DOBB Officer Henry County Jail,)	
OFFICER CLARK Officer Henry County Jail,)	
)	
Defendants.)	

Entry

This case was dismissed without prejudice on July 19, 2017, based on the plaintiff's failure to pay the initial partial filing fee or show cause why the case should not be dismissed for failure to pay. Specifically, the plaintiff was assessed an initial partial filing fee on March 20, 2017. When he did not pay, he was given an extension of time to pay and provided the opportunity to show cause why the case should be dismissed. He did not respond to those directions and the case was dismissed.

The plaintiff now asks the Court to reopen the case. Because it was filed more than 28 days after entry of judgment, his motion is treated as a motion to alter or amend the judgment under Rule 60(b) of the *Federal Rules of Civil Procedure*. "Relief under Rule 60(b) is an extraordinary remedy granted only in exceptional circumstances." *Nelson v. Napolitano*, 657

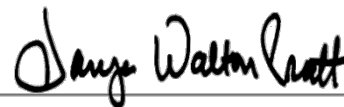
F.3d 586, 589 (7th Cir. 2011). Rule 60(b) allows a court to relieve a party from a final judgment, order, or proceeding for the following reasons:

- (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.

The plaintiff has not shown that any of these ground for relief are present here. He was reminded of his obligation to pay and instructed to show cause why the case should not be dismissed and did not respond to these directions. These are not the circumstances in which relief under Rule 60(b) is warranted. The motion to reopen, dkt. [11], is **denied**. The plaintiff is reminded that this action was dismissed without prejudice. Therefore, this ruling does not prevent him from filing a new lawsuit based on these claims.

IT IS SO ORDERED.

Date: 10/26/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

ALEXANDER ARMALIN
30833
GRANT COUNTY JAIL - IN
214 E. Fourth Street
Inmate Mail/Parcels
MARION, IN 46953