

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**JOHN MCCRAY (#268369)**

**CIVIL ACTION**

**VERSUS**

**DARREL VANNOY**

**NO. 14-656-BAJ-RLB**

**ORDER**

This matter comes before the Court on the plaintiff's request to reinstate his case on the Court's docket (R. Doc. 17), which the Court interprets to be a Motion for Relief from Judgment brought pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. This Motion shall be granted.

Pursuant to Judgment dated January 13, 2016 (R. Doc. 5), the above-captioned proceeding was dismissed for failure of the plaintiff to pay the initial partial filing fee as ordered. *See* R. Doc. 14. The plaintiff has provided with his Motion a copy of an Offender Funds Withdrawal Request marked by Offender Banking as being posted on November 4, 2015. *See* R. Doc. 17-1. The Court also notes an entry on the Court's docket, dated February 2, 2016, reflecting a payment by the plaintiff of \$73.16, the amount of the initial partial filing fee, received on November 16, 2015.

Rule 60(b) provides that relief from a judgment or order may be had for (1) mistake, inadvertence, surprise, or excusable neglect, (2) newly discovered evidence, (3) fraud, misrepresentation or misconduct by an opposing party, (4) a void judgment, (5) a judgment that has already been satisfied, is no longer equitable, or has effectively been overturned, or (6) any

other reason that justifies such relief. Given the foregoing, the plaintiff is entitled to relief from the Judgment dismissing his action pursuant to Rule 60(b)(1). Accordingly,

**IT IS ORDERED** that the plaintiff's Motion for Relief from Judgment (Rec. Doc. 17) be and is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that the Court's Ruling (R. Doc. 15) and Judgment (R. Doc. 16), dismissing the plaintiff's action, be and are hereby **VACATED AND WITHDRAWN**.

**IT IS FURTHER ORDERED** that the plaintiff is hereby authorized to resubmit his Motion to Amend his Complaint.<sup>1</sup> Judgment shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on February 11, 2016.



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CHIEF JUDGE BRIAN A. JACKSON  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup> The Court notes that the plaintiff did not provide a proposed Amended Complaint with his Motion to Amend. See R. Doc. 7.