

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROBERT TASSIN (#117747)

CIVIL ACTION

VERSUS

N. BURL CAIN, ET AL.

NO. 15-570-BAJ-SCR

O R D E R

Before the Court is correspondence received from the Plaintiff (R. Doc. 9) that the Court interprets to be a motion for relief from judgment pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure.

Pursuant to Order dated September 29, 2015 (R. Doc. 6), the Court granted the Plaintiff's Motions to Proceed *In Forma Pauperis* and directed the Plaintiff to pay, within twenty-one (21) days, an initial partial filing fee in the amount of \$13.65, "or this action shall be dismissed." On November 10, 2015, upon the Plaintiff's apparent failure to respond to the Court's directive, the Court dismissed the above-captioned proceeding. See R. Docs. 7 and 8. The Plaintiff now asserts that this proceeding should not have been dismissed. Specifically, he asserts that, at his request, his mother timely forwarded a money order in the correct amount to the Clerk of Court in October, 2015, in payment of the Court's initial partial filing fee. In support of this assertion, the Plaintiff attached a copy of correspondence purportedly signed by his mother and dated October 8, 2015, which appears to be an attempt by his

mother to forward the referenced money order in the amount of \$13.65. See R. Doc. 9 at p. 3. Although the payment was not received by the Clerk of Court, the Plaintiff prays for reinstatement of this proceeding on the Court's Docket.

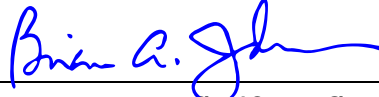
Upon a review of the record and the Plaintiff's submission, the Court finds that the Plaintiff's motion should be granted. Specifically, it appears that the Plaintiff attempted to timely comply with the Court's Order, but the correspondence and money order forwarded by his mother in October, 2015, was addressed to a post office address for the Court that was once valid but is no longer utilized by the Court. As a result, although the Court did not receive the forwarded payment, it appears that the Plaintiff's failure to timely deliver the initial partial fee may be attributed to excusable neglect. In addition, the record reflects that the initial partial filing fee in the amount of \$13.65 has now been paid.

Pursuant to Rule 60(b)(1), Fed.R.Civ.P., the Court may relieve a party from a final judgment upon a showing of "excusable neglect." In the interest of justice and in the exercise of the Court's discretion, the Court finds that the Plaintiff has met this criterion and that his motion should be granted, and this action should be reinstated on the Court's docket. Accordingly,

**IT IS ORDERED** that the Plaintiff's motion (R. Doc. 9) be and it is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that the Court's Ruling and Judgment of November 10, 2015 (R. Docs. 7 and 8), be and they are hereby **VACATED**, and this action is hereby **REINSTATED** on the Court's Docket.

Baton Rouge, Louisiana, this 30th day of November, 2015.



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**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT**