

OCT 14 2015

TONY R. MOORE, CLERK
BY MB
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

HAROLD JOE BLACK

CIVIL ACTION 5:14CV822

VERSUS

JUDGE STAGG

DON HATHAWAY, ET AL.

MAGISTRATE HAYES

ORDER

Pro se plaintiff Harold Joe Black (“Plaintiff”) filed a civil rights complaint in this case pursuant to 42 U.S.C. §1983. Judgment was entered on June 5, 2014, dismissing the case with prejudice and sanctioning and prohibiting Plaintiff from filing any new civil actions in this District without prior approval and authorization from the Chief Judge. (Document #13) The Fifth Circuit Court of Appeals affirmed this Court’s judgment. Plaintiff now seeks leave of court from the undersigned to file an out of time Motion under Federal Rule of Civil Procedure 60(b) ultimately requesting relief from this Court’s judgment entered in June 2014.

Federal Rule of Civil Procedure 60(b) allows relief from final judgment, order or proceeding for reasons including mistakes, newly discovered evidence, fraud, misrepresentation, misconduct by opposing party, a void judgment, or a satisfied, released or discharged judgment. Rule 60(c)(1) states that,


“A motion under Rule 60(b) must be made within a reasonable time - and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.”

Plaintiff seeks relief from the Judgment entered by Judge Tom Stagg on June 5, 2014. He complains of fraud under Rule 60(b)(3) and for “any other reason that justifies relief” under 60(b)(6). Plaintiff has filed this motion over a year after this Court entered Judgment. This Court finds that Plaintiff’s Motion seeking relief under Federal Rule of Civil Procedure 60(b) was not brought within a reasonable time after judgment was entered and must be denied.

ACCORDINGLY,

IT IS ORDERED THAT Plaintiff's Motion for Leave to File out an of Time Motion under Federal Rule of Civil Procedure 60(b) be and is hereby denied.

Alexandria, Louisiana, this 13th day of October, 2015.



**DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT**