

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JEFFREY GLEN WALLS :  
 :  
 v. : Civil Action No. DKC 09-0762

ANTON O'BRYANT :  
 :  
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JEFFREY GLEN WALLS :  
 :  
 v. : Civil Action No. DKC 09-0763

LARRY GRAVES :  
 :  
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JEFFREY GLEN WALLS :  
 :  
 v. : Civil Action No. DKC 09-0764

GREGORY WATERS :  
 :

**MEMORANDUM OPINION**

Presently pending and ready for resolution in these cases are motions by Plaintiff for reconsideration of the court's October 29, 2009 order, which granted the motions of the United States to substitute itself as sole Defendant and for dismissal. For the reasons that follow, Plaintiff's motions for reconsideration will be denied.

## **I. Background**

The background to this case may be found in the court's last memorandum opinion.

## **II. Motion for Reconsideration**

Under Fed.R.Civ.P. 60(b), a party may obtain relief from a judgment or final order based upon:

(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 . . . 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.

Motions for reconsideration are "an extraordinary remedy which should be used sparingly." *Pacific Ins. Co. v. Am. Nat. Fire Ins. Co.*, 148 F.3d 396, 403 (4<sup>th</sup> Cir. 1998), *cert. denied*, 525 U.S. 1104 (1999).

Plaintiff's motion for reconsideration does not meet any of the grounds for reconsideration listed in Rule 60(b). Plaintiff's motion challenges both the substitution of the United States as sole Defendant and the dismissal of his claim. To the extent that Plaintiff's motion is comprehensible, Plaintiff has not identified any intervening change in the law, newly developed evidence, or clear error of law or manifest

injustice that would alter the court's October 29, 2009 opinion. Plaintiff makes a general contention that he has not yet had a chance to present evidence, but fails to specify particular evidence that might show that substitution of the United States as Defendant or dismissal was improper. Plaintiff had an opportunity to respond to the United States' motions but did not.

### **III. Conclusion**

For the foregoing reasons, Plaintiff's motion for reconsideration will be denied. A separate Order will follow.

\_\_\_\_\_/s/\_\_\_\_\_  
DEBORAH K. CHASANOW  
United States District Judge