

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDDIE L. DILLARD,

Petitioner,

vs.

Case No. 03-CV-71269
HON. GEORGE CARAM STEEH

WILLIE O. SMITH, (WARDEN),

Defendant.

_____/

ORDER DENYING PETITIONER'S SECOND MOTION FOR
RELIEF FROM JUDGMENT (#60)

Petitioner Eddie Dillard moved for relief from judgment on June 13, 2008 arguing his 1997 state court convictions and sentence should be vacated because the Michigan Office of Secretary of State was not in possession of a public record indicating that the presiding state court judge had been administered an oath of office. The court denied the motion on June 18, 2008 as untimely and frivolous. On September 9, 2008, the court denied Dillard's motion for reconsideration, finding the motion simply reiterated the same frivolous arguments. Dillard's instant motion for relief from judgment again raises the same frivolous arguments. Accordingly,

Dillard's second motion for relief from judgment is hereby DENIED as frivolous and untimely. Petitioner Dillard is hereby forewarned that his further filing of frivolous motions may result in the imposition of sanctions against him, including but not limited to losing his ability to appear in forma pauperis in future civil actions and a substantial fine. See Gordon v. United States, No. 2:01-CV-1166, 2008 WL 2949415, *3 (S.D. Ohio July 29, 2008)

(quoting In re Walker, 238 F.3d 426 (6th Cir. 2000)).

SO ORDERED.

Dated: September 29, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
September 29, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk