

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALI DARWICH,

Plaintiff,

v.

Case No. 13-10757

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 60(B)(6)**

This civil action was dismissed almost ten years ago for being barred by *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), bring claims against a Defendant entitled to absolute immunity, and for otherwise failing to state a claim. (ECF No. 20, 24.) Plaintiff did not appeal. Plaintiff now brings a motion for relief from judgment under Federal Rule of Civil Procedure 60, stating that newly discovered evidence requires that the judgment be set aside. The court is unpersuaded.

First, Plaintiff's motion, filed almost a decade after his case was dismissed, is untimely. Under Rule 60(c)(1), any motion brought under Rule 60 must be filed within "a reasonable time," and if based on newly discovered evidence, within one year after entry of judgment. Plaintiff's delay under these circumstances is unreasonable and his motion will be denied as untimely. Moreover, even if the motion were timely, it is nonsensical as it does little more than expound on Plaintiff's wild conspiracy theories at the heart of this lawsuit. His motions do not address the legal reasons why his case was

dismissed as barred under *Heck v. Humphrey*, doctrines of immunity, and for failure to state a claim. As such,

IT IS ORDERED that Plaintiff's Motion Pursuant to Federal Rule of Civil Procedure 60(b) (ECF 26) is DENIED.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 7, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 7, 2023, by electronic and/or ordinary mail.

s/Kim Grimes /
Deputy Clerk

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