

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GREINER,

Plaintiff,

Case No. 14-cv-13979

Hon. Matthew F. Leitman

v.

CHARTER COUNTY OF
MACOMB, MICHIGAN, a/k/a
MACOMB COUNTY, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR
RELIEF FROM JUDGMENT (ECF #155)**

By an Opinion and Order dated September 11, 2017 (ECF #117) and a second Opinion and Order dated November 13, 2017 (ECF #138), this Court granted summary judgment in favor of Defendants and against Plaintiff John Greiner on all of Greiner's claims. Greiner, who is proceeding pro se because his two prior retained attorneys refused to continue representing him, filed eight motions for reconsiderations (ECF ## 118, 119, 121, 122, 125, 126, 128, 129), and the Court entered orders denying them all (ECF ## 124, 127, 131). The Court subsequently entered a final judgment against Greiner (ECF #139), and Greiner thereafter filed a Notice of Appeal. (ECF #140.)

With his appeal still pending, Greiner has now returned to this Court and filed a motion for relief from judgment under Rule 60(b)(3) of the Federal Rules of Civil Procedure. (ECF #155.) Greiner argues that he is entitled to relief from judgment because

the Defendants and/or their lawyers committed fraud on the court. (*See id.*) Defendant Charter County of Macomb has filed a response in opposition to the motion. (ECF #156.)

Because Greiner filed a Notice of Appeal from the Court's final judgment, this Court lacks jurisdiction to grant relief under Rule 60(b). *See Pickens v. Howes*, 549 F.3d 377, 383 (6th Cir. 2008). Therefore, Greiner's motion is DENIED.

While this Court may not grant relief from judgment, it may "aid the appellate process" by indicating whether it would grant the requested relief if the Sixth Circuit were to remand the case further proceedings. *Id.* (quoting *First Nat. Bank of Salem, Ohio v. Hirsch*, 535 F.2d. 343, 345, n.1 (6th Cir. 1976)). To aid the appellate process, this Court states that it would *not* grant Greiner's motion for relief from judgment in the event of a remand. The motion is a rehash and/or repackaging of arguments that Greiner has previously offered and that the Court has previously rejected. The motion presents no basis on which to disturb the judgment that the Court entered against Greiner.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 13, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 13, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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