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## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

EDWIN SMITH,

2:16-CV-10098-TGB-PTM

Petitioner,

HON. TERRENCE G. BERG

vs.

DAVID BERGH,

Respondent.

## **JUDGMENT**

In accordance with the Opinion and Order issued on this date, it is hereby **ORDERED AND ADJUDGED** that the motion for relief from judgment is **DENIED** (ECF No. 44), motion for reconsideration of the 60(b)(3) fraud claim is **DENIED** (ECF No. 45), motion for relief pursuant to 60(b) is **DENIED** (ECF No. 48), and Petitioner's motion seeking to amend motion for evidentiary hearing and motions seeking an evidentiary hearing are **DENIED** (ECF Nos. 46, 47, 49).

It is **FURTHER ORDERED** that a certificate of appealability is **DENIED** and permission to appeal in forma pauperis is **DENIED**.

Dated at Detroit, Michigan: January 29, 2021

KINIKIA ESSIX CLERK OF THE COURT

s/A. Chubb Case Manager and Deputy Clerk

APPROVED:

<u>s/Terrence G. Berg</u>

HON. TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE