

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

LAVAN YANKTON, SR.

PLAINTIFF

V.

NO. 4:14-CV-00034-DMB-SAA

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION
FOR RELIEF FROM JUDGMENT OR ORDER**

This matter comes before the Court on Plaintiff's motion for reconsideration of the Court's final judgment dismissing the instant case for failure to exhaust administrative remedies. The Court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. FED. R. CIV. P. 60(b). Yankton argues that the Court should construe his attempts to write the Mississippi Department of Corrections Commissioner directly about his concerns regarding the cutting of his hair as his exhaustion of the administrative remedy process. However, as the Court discussed in its memorandum opinion, the Mississippi Department of Corrections has a procedure – approved by this court – for exhausting grievances, and Yankton did not follow that procedure. Plaintiff has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60. In addition, Plaintiff has not presented “any other reason justifying relief from the operation” of the judgment. As such, Plaintiff's request for reconsideration is **DENIED**.

SO ORDERED, this the 8th day of October, 2014.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE