

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

DEVANTAE A. MOORE, #211724

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:18-cv-189-KS-MTP

ROBERT MORRIS, Investigator for
Jasper County Sheriff's Department

DEFENDANT

ORDER

This matter is before the Court on Plaintiff's pleading filed on August 27, 2019, and docketed as a Response [20]. Having reviewed the Response [20] as well as the record, the Court finds that Plaintiff is once again requesting that the Court reconsider the dismissal of this civil action and reinstate this civil action. Pl.'s Resp. [20] at 1.

The Court will liberally construe the Response [20] as a Motion pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n. 1 (5th Cir. 1987) (finding that federal courts may construe and re-characterize a *pro se* prisoner action "according to the essence of the prisoner's claims, regardless of the label that the prisoner places on his complaint"); *see also Hernandez v. Thaler*, 630 F.3d 420, 427 n.27 (5th Cir. 2011) (noting that Court must consider the "substance of the relief, not a label" to determine the "true nature" of the pleading).

As evidenced by the Court's Memorandum Opinion and Order [14] entered July 15, 2019, and Order [17] entered August 12, 2019, the Court considered the Plaintiff's allegations and applied the relevant case law in resolving this matter. The Court's decision in the Memorandum Opinion [14] and Final Judgment [15] entered on July 15, 2019, and Order [17] entered August 12, 2019, were the correct legal findings. The Court therefore determines that Plaintiff's Motion

[20] does not meet any of the grounds required by Federal Rule of Civil Procedure 60(b) to grant relief from the Final Judgment [15] or Memorandum Opinion and Order [14] dismissing this case or the Order [17] denying Plaintiff's Motion [16] to Alter or Amend the Judgment. Accordingly, it is,

ORDERED AND ADJUDGED that Plaintiff's Response [20] is construed as a Motion for Relief from a Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion/Response [20] is **denied**.

This the 4th day of October, 2019.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE