

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

BRIAN K. GEORGE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-CV-15-CAS
)	
DUNKLIN COUNTY JAIL, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Brian K. George’s motion to reopen his case, which the Court liberally construes as a motion for relief under Rule 60(b) of the Federal Rules of Civil Procedure. For the reasons discussed below, the motion will be denied.

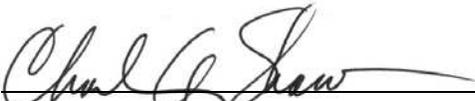
On March 24, 2017, the Court dismissed this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B), after determining that the amended complaint failed to state any plausible claims for relief against any defendant, and that the factual allegations therein were clearly baseless. Liberally construing the instant motion, plaintiff seeks relief pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, which grants federal courts broad authority to relieve a party from a final judgment upon such terms that are just, provided that certain conditions are met. Relief is available under Rule 60(b) “only where exceptional circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress.” *Harley v. Zoesch*, 413 F.3d 866, 871 (8th Cir. 2005) (internal citation omitted).

The Court has carefully reviewed plaintiff’s motion. Plaintiff has set forth no “exceptional circumstances” that prevented him from fully litigating his claims or receiving

adequate redress. Accordingly, plaintiff's motion to reopen his case, construed as a motion for relief under Rule 60(b), is denied. To the extent plaintiff's motion can be understood to seek relief under Rule 59(e), Fed. R. Civ. P., the motion is denied because it was filed more than 28 days after the entry of the judgment, and because it fails to point to any manifest errors of law or fact, or any newly discovered evidence.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to reopen case is **DENIED**. [Doc. 18]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 10th day of August, 2017.