

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LC BLACK,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17CV01376 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Defendants,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff=s Motion to Reopen the Case, [Doc. No. 38]. Defendant opposes the Motion in its Response filed on April 19, 2019, [Doc. No. 40]. For the reasons set forth below, the Motion is denied.

Upon review of the motion the Court is compelled to construe Plaintiff’s motion as a motion Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. As such, the basis for the Rule 60(b) motion is the ruling by the court on April 8, 2019 [Doc. No. 37] granting the Motion to dismiss [Doc. No. 33] filed by Defendant on February 12, 2019.

Discussion

Rule 60(b) provides relief from a final judgment , order or proceeding under circumstances where there has been some mistake, inadvertence, surprise, or

excusable neglect; newly discovered evidence, with reasonable diligence, could not have been discovered in time to move for new trial; fraud, misrepresentation, or misconduct by an opposing party; the judgment is void; the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or any other reason that justifies relief.


In his Motion, Plaintiff attempts to persuade the Court to grant relief from its findings because his opposition to Defendant's motion to dismiss was timely filed and therefore must be considered by this Court. Plaintiff does not allege anything that is new, fraud, or that the judgment is void. He does not allege a mistake or inadvertence or any other reason to justify the relief he seeks. Plaintiff has not articulated any arguments or facts that would even facially compel relief pursuant to Rule 60(b). The Court articulated its reasoning in finding that Plaintiff's pleading was jurisdictionally deficient. In addition, upon reviewing Plaintiff's Reply in Opposition to Motion to Dismiss [Doc. No. 39] and for the limited purpose of ruling on his Rule 60(b) motion nothing has changed, nor should the Opinion, Memorandum and Order in this matter be altered or amended.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration

[Doc. No. 38] is denied.

Dated this 25th day of April, 2019.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink. The signature is positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE