

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

LIONEL ELLISON,

Petitioner,

vs.

LYNN GUYER, STATE OF
MONTANA,

Respondents.

Cause No. CV 18-176-BLG-DLC

ORDER

This matter was dismissed without prejudice on June 10, 2020, as unexhausted. (Doc. 38.) Ellison appealed. (Doc. 40.) On August 18, 2020, the Ninth Circuit denied Ellison a Certificate of Appealability. (Doc. 42.)

Ellison subsequently sought relief from judgment under Fed. R. Civ. P. 60(b)(6) and 60(d)(3). (Doc. 43.) This Court addressed the merits of Ellison's argument and denied relief. (Doc. 45.) Ellison was advised that he could not continue to file post-judgment motions in this closed matter and the Clerk of Court was directed to return future filings to Ellison. *Id.* at 7.

In the interim, Ellison petitioned the Ninth Circuit for a writ of mandamus;

the request was denied. *Ellison v. United States District Court, et al.*, Cause No. 22-70043, Or. (9th Cir. April 20, 2022).

Despite being advised by this Court that he was not to file any more documents in this closed matter, Ellison now seeks to alter the June 10, 2020 judgment under Fed. R. Civ. P. 59. *See* (Doc. 47.) Ellison provides no new basis for this request; he simply rehashes arguments that have been previously presented to the Court and rejected. The instant motion is no different and finds no basis in fact or law. Ellison may not continue to use the Court's time and resources filing baseless motions in closed matters.

Accordingly, the Court enters the following:

ORDER

1. Ellison's Motion to Alter the Judgment (Doc. 49) is DENIED.
2. This matter is CLOSED. The Court will not entertain further filings.

The Clerk of Court is directed to discard any future filings.

DATED this 15th day of September, 2022.

/s/ Dana L. Christensen
Dana L. Christensen
United States District Court