

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GLENN R. WAITE,)
)
 Plaintiff,)
)
 v.)
)
 DOUGLAS D. DELAIR, and)
 DELAIR AND DELAIR,)
)
 Defendants.)
 _____)

4:98CV3303

**MEMORANDUM
AND ORDER**

Judgment was entered in this case on July 19, 2000 (filing 59), and the mandate affirming this court’s judgment was issued by the Eighth Circuit Court of Appeals on March 26, 2001 (filing 73). Since the mandate was issued, plaintiff Glenn Waite has twice filed motions seeking to vacate this court’s judgment (filings 74 & 78), both of which were denied (filings 76 & 81). Waite again attempts to vacate this court’s judgment by filing a “Motion Pursuant to Rule 57 of the Federal Rules of Civil Procedure for a Declaratory Judgment Stating that the United States District Court Lacks Jurisdiction to Reverse, Modify or Vacate Judge Charles Plantz’s May 15, 1996 Order of Final Distribution of Estate Assets” (filing 82) and a “Motion Pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure for Relief From the June 19, 2000 Judgment on the Merits Against Glenn R. Waite, Individually” (filing 86). I shall deny these motions.

IT IS ORDERED:

1. Plaintiff’s “Motion Pursuant to Rule 57 of the Federal Rules of Civil Procedure for a Declaratory Judgment Stating that the United States District Court Lacks Jurisdiction to Reverse, Modify or Vacate Judge Charles Plantz’s May 15,

1996 Order of Final Distribution of Estate Assets” (filing 82) is denied; and

2. Plaintiff’s “Motion Pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure for Relief From the June 19, 2000 Judgment on the Merits Against Glenn R. Waite, Individually” (filing 86) is denied.

DATED this 14th day of October, 2008.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge