

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------|---|-------------------|
| ARLYN P. ILDEFONSO, |) | |
| |) | |
| Petitioner, |) | 4:13CV3110 |
| |) | |
| V. |) | |
| |) | MEMORANDUM |
| BRIAN GAGE, Warden, |) | AND ORDER |
| |) | |
| Respondent. |) | |
| |) | |

On March 21, 2016, the court issued a Memorandum and Order, as well as a judgment, dismissing Petitioner’s Petition for Writ of Habeas Corpus. (Filing Nos. [62](#) and [63](#).) Subsequently, on April 11, 2016, Petitioner filed a Motion to Alter or Amend Judgment pursuant to Federal Rule of Civil Procedure 59. (Filing No. [64](#).) The court construes this motion as one seeking relief under Federal Rule of Civil Procedure 60.

Rule 60 provides, in part, that:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;

(5) 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

(6) any other reason that justifies relief.

[Fed. R. Civ. P. 60\(b\)](#).

The court has reviewed Petitioner's motion and concludes that Petitioner has not identified any grounds for modifying the Memorandum and Order and judgment entered in this case.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Alter or Amend Judgment (Filing No. [64](#)) is denied.

DATED this 19th day of April, 2016.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge