

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM,)	8:12CV17
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
PAYPAL, and KELLIE CAIN,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion to Reopen, which the court liberally construes as a Motion for Relief Under Federal Rule of Civil Procedure 60(b). (Filing No. [20](#).) Also pending is Plaintiff's Motion to Continue. (Filing No. [21](#).)

On May 16, 2012, the court dismissed Plaintiff's Complaint and entered Judgment against him. (Filing Nos. [18](#) and [19](#).) Liberally construed, Plaintiff seeks relief from the court's Judgment pursuant to [Fed. R. Civ. Pro. 60\(b\)\(6\)](#). (Filing No. [20](#).) [Rule 60\(b\)\(6\)](#) "grants federal courts broad authority to relieve a party from a final judgment 'upon such terms as are just,' provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5)." [Liljeberg v. Health Serv. Acquisition Corp., 486 U.S. 847, 863 \(1988\)](#). However "[r]elief is available under Rule 60(b)(6) 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 \(8th Cir. 2005\)](#).

The court has carefully reviewed Plaintiff's Motion to Reopen. Plaintiff has not set forth any "exceptional circumstances" that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, Plaintiff's Motion to Reopen, liberally construed as a Motion for Relief Under Rule 60(b), is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Reopen (filing no. [20](#)), liberally construed as a Motion for Relief Under Rule 60(b), is denied.
2. Plaintiff's Motion to Continue (filing no. [21](#)) is denied.

DATED this 22nd day of June, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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