IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM, Plaintiff, v. PAYPAL, Defendant.	)	8:12CV153 MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Amended Motion to Reopen Case, which the Court liberally construes as a Motion for Relief Under Federal Rule of Civil Procedure 60(b) (Filing No. 14). This motion is plaintiff's third attempt to reopen this case. (*See* Filing Nos. 10, 12, and 14.)

On August 14, 2012, the Court dismissed plaintiff's complaint and entered judgment against him (Filing Nos. 8 and 9). Plaintiff seeks relief from the Court's judgment pursuant to Fed. R. Civ. Pro. 60(b)(6) (Filing No. 14). 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. Plaintiff has not set forth any "exceptional circumstances" that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, plaintiff's Amended Motion to Reopen Case, liberally construed as a Motion for Relief Under Rule 60(b), will be denied. The Court warns plaintiff that if he continues to file meritless motions, he may be subject to sanctions, including, but not limited to, being enjoined from filing any further pleadings, motions, or other items related to his claims against PayPal without prior authorization from this Court.

IT IS ORDERED that plaintiff's Amended Motion to Reopen Case (Filing No. 14) is denied.

DATED this 5th day of October, 2012.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge
United States District Court

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