

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTIN GOMEZ,)	8:12CV367
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DENNIS WILSON, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff’s Motions for Reconsideration (filing nos. [35](#) and [39](#)), which the court liberally construes as motions for relief pursuant to [Fed. R. Civ. P. 60\(b\)\(6\)](#).

On August 13, 2013, the court dismissed Plaintiff’s Complaint and entered Judgment against him. (Filing Nos. [26](#) and [27](#).) Plaintiff appealed the Judgment and the Eighth Circuit dismissed the appeal for failure to prosecute. (See Filing No. [37](#).) Liberally construed, Plaintiff seeks relief from the court’s Judgment pursuant [Fed. R. Civ. P. 60\(b\)](#). [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 Motions. Plaintiff has not set forth any “exceptional circumstances” that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, Plaintiff’s Motions for Reconsideration,

liberally construed as a Motions for Relief Under Rule 60(b), are denied.

IT IS THEREFORE ORDERED that: Plaintiff's Motions for Reconsideration (filing nos. [35](#) and [39](#)), liberally construed as Motions for Relief Under Rule 60(b), are denied.

DATED this 25th day of February, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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