Griffin v. Schmaderer et al Doc. 64

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

8:13CV88	
) MEMORANDUM
) AND ORDER ON MOTIONS TO
) AMEND	
)	
)	
)	

This matter is before me on the plaintiff's Motions to Amend. (Filing No. <u>61</u> and <u>62</u>.) For the reasons discussed below, the plaintiff's motions are denied.

On May 28, 2013, I dismissed this civil case and entered judgment against the plaintiff, Arthur James Griffin Jr. ("Griffin"), for failing to comply with my orders. (Filing Nos. 41 and 42.) Thereafter, Griffin filed, and I denied, five Motions to Modify. (See Filing No. 47.) Griffin continues to file motions, most of which contain rambling narrations of fact, conclusory legal assertions, and long lists of citations. (Filing Nos. 48, 49, 52, 54, 55, 56, 58, and 59.) In addition, Griffin continues to file notices and requests with newspaper clippings and copies of disciplinary misconduct reports from his institution. (See, e.g., Filing Nos. 51 and 53.)

When very liberally construed, Griffin may be seeking relief from my judgment pursuant to <u>Fed. R. Civ. Pro. 60(b)(6)</u>. (*See* Filing Nos. <u>61</u> and <u>62</u>.) <u>Rule 60(b)(6)</u> "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)." <u>Liljeberg v. Health Serv. Acquisition Corp.</u>, 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." <u>Harley v. Zoesch, 413 F.3d 866, 871 (8th Cir. 2005)</u>.

Griffin's motions have been carefully reviewed and I find that he is not entitled to relief under Rule 60(b). Moreover, I previously warned Griffin that if he continued to file meritless motions, he could be subject to sanctions, including, but not limited to, being enjoined from filing any further pleadings, motions, or other items related to this matter without prior authorization from this court. (Filing No. 63.) Because Griffin filed his current motions before receiving my warning, I will not sanction Griffin at this time.

IT IS THEREFORE ORDERED that: Griffin's Motions to Amend (filing nos. 61 and 62), liberally construed as Motions for Relief Under Rule 60(b), are denied.

Dated July 11, 2013.

BY THE COURT

Warren K. Urbom

United States Senior District Judge

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