

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTON PURISIMA,

1:16-cv-2906 (NLH/JS)

Plaintiff,

MEMORANDUM OPINION & ORDER

v.

TD BANK and PEOPLE'S REPUBLIC
OF CHINA,

Defendants.

APPEARANCES:

ANTON PURISIMA
390 9TH AVENUE
NEW YORK, NY 10001
Appearing pro se

HILLMAN, District Judge

On June 2, 2016, this Court entered a Memorandum Opinion and Order granting Plaintiff's application to proceed in forma pauperis but dismissing Plaintiff's complaint without prejudice. In pertinent part, the Court's Order stated as follows:

Here, Plaintiff alleges that there is "wrong and fraudulent information" in his TD Bank statements, purposefully generated as an "intentional insult" based upon his Filipino national origin. (Compl. at 14.) Plaintiff further alleges TD Bank is conspiring with Chinese employees of TD Bank who are also employed by the "People's Republic of China" to steal his money. (Compl. at 3.) Plaintiff alleges claims under Title II of the Civil Rights Act of 1964, "public accommodation

violations" pursuant to 42 U.S.C. 2000a-6, and "retaliation." He requests "11 decillion dollars" in damages. (Compl. at 4.)

While Plaintiff identifies numerous TD Bank statement entries he alleges are fraudulent, Plaintiff fails to plausibly allege how these false charges are related in any way to discrimination based on his national origin.

Additionally, the Court finds that the complaint fails to comply with Rule 8(a) of the Federal Rules of Civil Procedure, which requires that a complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). Specifically, Plaintiff's 18-page complaint does not contain factual averments to support his claims for relief that he was discriminated against based on his national origin.

On June 2, 2017, Plaintiff filed a Motion to Vacate the Court's June 2, 2016 Order.

Federal Rule of Civil Procedure 60(b) provides:

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.

While Plaintiff argues the Motion is being made pursuant to Rule 60(b)(1), (2), and (6), Plaintiff does not argue "mistake, inadvertence, surprise, or excusable neglect." Plaintiff further does not present the Court with newly discovered evidence. Indeed, Plaintiff's Motion does not provide this Court with any reason to vacate its prior Order. Accordingly, Plaintiff's Motion to Vacate will be denied.

Plaintiff's Motion further requests class action certification and appointment of pro bono counsel. As the Court's June 2, 2016 Order dismissing Plaintiff's complaint will not be vacated, these requests are denied. The Court further denies Plaintiff's various requests to supplement the Motion with additional filings.¹

Accordingly,

IT IS on this 16th day of January, 2018

ORDERED that the Clerk is directed to reopen this matter; and it is further

ORDERED that Plaintiff's Motion to Vacate [3] is hereby

¹ The Court does not address Plaintiff's October 13, 2017 letter, which is entirely unrelated to the allegations in Plaintiff's complaint.

DENIED; and it is further

ORDERED that the Clerk is directed to mark this matter as
CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.