

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOHN E. REARDON,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 92-2433 (MLC)
	:	
v.	:	<b>O R D E R</b>
	:	
JAMES LEASON, et al.,	:	
	:	
Defendants.	:	

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**PLAINTIFF** moving for relief from this Court’s previous rulings pursuant to Federal Rule of Civil Procedure (“Rule”) 60(b)(4) and Rule 60(d)(3) (dkt. entry no. 171); and Plaintiff having previously moved for relief pursuant to Rule 60(b)(4) (dkt. entry no. 144, 6-3-10 Mot.); and the Court having denied that motion (dkt. entry no. 157, 7-1-10 Order); and Plaintiff having appealed (dkt. entry no. 159, Not. of Appeal); and the Third Circuit Court of Appeals having affirmed the Court’s decision (dkt. entry no. 160, 3d Cir. Op.);<sup>1</sup> and Plaintiff having moved again before this Court for relief pursuant to Rule 60(b) (dkt. entry no. 161); and the Court having treated the motion as a motion for reconsideration and having denied the motion (dkt. entry no. 168, 5-31-11 Order); and the Court thus intending, for the reasons stated in (1) the 5-31-11 Order, (2) the 7-1-10

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<sup>1</sup> The Court notes, once again, that the Plaintiff’s petition for a writ of certiorari is pending in the United States Supreme Court. See U.S. Supreme Ct. Dkt. No. 10-1382.

Order, and (3) the 3d Cir. Op., to deny the current motion insofar as it seeks relief under Rule 60(b)(4); and

**THE COURT** noting that Rule 60(d)(3) states that “[t]his rule does not limit a court’s power to . . . set aside a judgment for fraud on the court,” Fed.R.Civ.P. 60(d)(3); and the Third Circuit Court of Appeals stating that the Court “did not enter judgment in [Plaintiff’s] criminal case” (3d Cir. Op. at 4); and the Third Circuit Court of Appeals further noting that Plaintiff “is effectively asking the District Court to void a state court conviction,” but that “he is barred from doing so under the Rooker-Feldman doctrine” (id. at n.3.); and the Court thus determining that, insofar as Plaintiff alleges fraud upon the state court in the underlying state court proceeding, he cannot use Rule 60(d)(3) to set aside a state court conviction (see 3d Cir. Op.), see Fed.R.Civ.P. 60; and

**THE COURT** further determining that, insofar as Plaintiff alleges fraud upon this Court, Plaintiff has not alleged, much less demonstrated, any egregious, intentionally fraudulent, conduct, see Gagliardi v. Courter, No. 02-2035, 2011 WL 710221, at \*2 (W.D. Pa. Feb. 22, 2011) (noting a party must show by clear and convincing evidence: “(1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) that in fact deceives the court,” and that “[t]his is a ‘demanding standard’, reserved for ‘egregious misconduct’”)

(citing Herring v. United States, 424 F.3d 384, 390 (3d Cir. 2005)); see also Rigaud v. Broward Gen. Med. Ctr., 404 Fed.Appx. 372, 373-74 (11th Cir. 2010) (discussing Rule 60(d)(3) and recusal); Parkhurst v. Pittsburgh Paints Inc., 399 Fed.Appx. 341, 342 (10th Cir. 2010) (same); and the Court thus also intending to deny the current motion insofar as it seeks relief under Rule 60(d)(3); and for good cause appearing:

**IT IS THEREFORE** on this 7th day of September, 2011, **ORDERED** that the Plaintiff's current motion for relief from this Court's previous rulings (dkt. entry no. 171) is **DENIED**.

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s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge