



Civil Procedure 60(a) authorizes a court to “correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a . . . part of the record.” Fed. R. Civ. P. 60(a). “But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court’s leave.” *Id.*

Accordingly, Singh’s motion is denied without prejudice to its renewal after he obtains leave from the Second Circuit. If he obtains leave, Singh should explain how the corrections he seeks are the “type of mistake or omission mechanical in nature which is apparent on the record,” rather than attempts to change statements that, in hindsight, he would have said differently (or would have liked others to say differently). *Barkley v. United Homes, LLC*, Nos. 04-cv-875 et al., 2014 WL 12828887, at \*7 (E.D.N.Y. Mar. 11, 2014) (quoting *In re Merry Queen Transfer Corp.*, 266 F. Supp. 605, 607 (E.D.N.Y. 1967)).

[T]he relevant distinction is “between what is erroneous because the thing spoken, written or recorded is not what the person intended to speak, write or record, and what is erroneous because the person later discovers that the thing said, written or recorded was wrong. The former comes within Rule 60(a); the latter does not.” *Ceara v. Clark-Dirusso*, No. 13-CV-3041, 2019 WL 3553354, at \*3 (S.D.N.Y. Aug. 5, 2019) (quoting *Panama Processes, SA v. Cities Serv. Co.*, 789 F.2d 991, 995 (2d Cir. 1986)).

### **CONCLUSION**

Singh’s motion is denied without prejudice. The Clerk of Court is directed to close the motion at ECF number 141.

Dated: New York, New York  
July 1, 2021

SO ORDERED



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HONORABLE PAUL A. CROTTY  
United States District Judge