

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:15-CV-26-D

LES ANCIENS D UNE EGLISE EN)
LES CHAMBRES COMPAGNIE,)
)
Plaintiff,)
)
v.)
)
UNITED STATES DEPARTMENT OF)
AGRICULTURE,)
Defendant.)

ORDER

On March 12, 2018, the court dismissed Les Anciens D Une Eglise En Les Chambres Compagnie (“Les Anciens” or “plaintiff”) claims and closed the case [D.E. 46, 47]. On March 11, 2019, Les Anciens moved for reconsideration [D.E. 48]. On March 25, 2019, the United States Department of Agriculture (“USDA” or “defendant”) responded in opposition [D.E. 49].

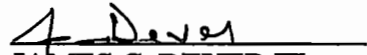
The court construes Les Anciens’s filing as a motion for reconsideration concerning this court’s dismissal order and judgment of March 12, 2018. The court does not analyze the motion under Rule 59(e) because it is untimely under that rule. “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e); see Colter v. Omni Ins. Co., 718 F. App’x 189, 191 (4th Cir. 2018) (per curiam) (unpublished).

“Federal Rule of Civil Procedure 60(b) authorizes a district court to grant relief from a final judgment for five enumerated reasons or for ‘any other reason that justifies relief.’” Aikens v. Ingram, 652 F.3d 496, 500 (4th Cir. 2011) (en banc) (quoting Fed. R. Civ. P. 60(b)(6)). Under Rule 60(b), a movant first must demonstrate that his motion is timely, that the movant has a meritorious claim or defense, that the opposing party will not suffer unfair prejudice from setting aside the

judgment, and that exceptional circumstances warrant the relief. See Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993). If a movant satisfies these threshold conditions, he must then "satisfy one of the six enumerated grounds for relief under Rule 60(b)." Gray, 1 F.3d at 266. Les Anciens does not satisfy Rule 60's threshold conditions or any of Rule 60(b)'s enumerated grounds.

The motion for reconsideration [D.E. 48] is DENIED. The case remains closed.

SO ORDERED. This 7th day of September 2019.


JAMES C. DEVER III
United States District Judge