

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No.: 5:10-CV-469-BO

WILLIAM LESLIE BARRETT, SR.,)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
Defendant.)
_____)

ORDER

This matter is before the Court on the plaintiff’s motion for reconsideration, oral argument, and equal protection [DE 32]. For the reasons stated herein, the plaintiff’s motion is DENIED.

This matter was dismissed on February 20, 2013 pursuant to Federal Rule of Civil Procedure 12(b)(6) because the plaintiff failed to state a claim upon which relief might be granted. Final judgment in this matter was entered the same day. The plaintiff now requests that the Court reconsider its order dismissing the plaintiff’s complaint.

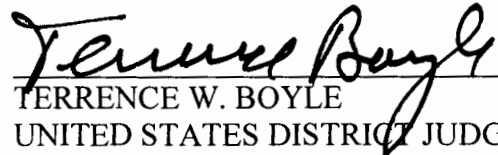
Federal Rule of Civil Procedure 60(b) allows a court to provide relief from a final judgment, order, or proceeding under six enumerated circumstances. The plaintiff has failed to articulate any circumstance presently existing that would entitle him to relief under the rule. In his motion the plaintiff attempted to indict the court’s previous order by drawing a distinction between the Social Security Administration’s denial of his claim and the granting of his claim on improper grounds. The Court finds this to be a distinction without a difference that does not entitle the plaintiff to relief under Rule 60(b). Further, to the extent the plaintiff’s motion

requests relief beyond the relief offered by Rule 60(b) this matter has been dismissed and, absent an underlying controversy, this Court no longer has jurisdiction to consider those matters.

For the foregoing reasons, the plaintiff's motion for reconsideration is DENIED.

SO ORDERED.

This the 27 day of April, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE