

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CV-130-MU

RANDY L. THOMAS,)
)
 PLAINTIFF,)
)
 v.)
)
 YNEZ OLSHAUSEN, MARY ELLEN)
 McDONALD, PETER GORMAN,)
 CHARLOTTE-MECKLENBURG POLICE)
 DEPARTMENT, CHARLOTTE-MECKLENBURG,)
 STATE OF NORTH CAROLINA,)
)
 DEFENDANTS.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motions for Relief from Judgment and Order. (Docs. 74, 75.) For reasons explained below, Plaintiff’s Motions are **DENIED**.

I. Background

Plaintiff asks the Court to set aside two orders: the Order of Dismissal (Doc. 52); and the Order (Doc.51) denying Plaintiff’s Motion for Recusal (Doc.45), Motion for a More Definite Statement (Doc. 48), and Motion for Scheduling Conference and Discovery (Doc. 49). Plaintiff asserts that under Fed. R. Civ. P. 60(b), he is entitled to relief from both orders (Docs.51, 52). In support of his position Plaintiff states, “[t]he order[s] & judgment[s] [have] intentionally misstated & misrepresented plaintiff’s actions, issues, claims, actions, and the honest context.” (Pl.’s Mot. for Relief from J. and Order 1.)

II. Discussion

Plaintiff seeks relief under Fed. R. Civ. P. 60(b) for the following reasons: “(1) mistake, inadvertence, surprise, or excusable neglect; . . . (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; . . . or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b).

Plaintiff, however, raises no factual allegations of mistake, inadvertence, surprise, or excusable neglect. Nor does plaintiff make any factual allegation of fraud. Furthermore, Plaintiff asserts no factual reason that justifies relief. Plaintiff simply recites a litany of laws and does not explain how those laws apply to the facts of this case.

Furthermore, Plaintiff appealed this Court’s decisions to the Fourth Circuit (Doc. 59), and the orders were affirmed.

Given the Fourth Circuit’s ruling, along with an absence of any factual allegation of mistake, fraud, or other reason which justifies relief, Plaintiff’s Motions for Relief are DENIED.

SO ORDERED.

Signed: May 27, 2010



Graham C. Mullen
United States District Judge

