

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-278-RJC**

JAMES RONALD PEGGS,)
)
 Plaintiff,)
)
 v.)
)
)
 BRIAN SHIPWASH, DAVID WILSON,)
 ROSSABI BLACK SLAUGHTER, P.A.,)
 AARON B. ANDERSON, TRUSTEE)
 SERVICES OF CAROLINA, LLC,)
 BROCK & SCOTT, PLLC, U.S. BANK)
 TRUST NATIONAL ASSOCIATION)
 a/k/a U.S. BANK NATIONAL)
 ASSOCIATION, WELLS FARGO)
 HOME MORTGAGE a/k/a WELLS)
 FARGO BANK NATIONAL)
 ASSOCIATION,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion to Vacate Void Judgment, (Doc. No. 37), and the defendants’ Responses in Opposition, (Doc. Nos. 38, 41).


The Court previously dismissed Plaintiff’s Complaint with prejudice because it found that it lacked subject-matter jurisdiction under the Rooker-Feldman doctrine. (Doc. No. 35). Plaintiff now moves for the Court to reconsider and vacate its judgment pursuant to Rule 60(b)(4) and (5) of the Federal Rules of Civil Procedure.

The disposition of motions under Rule 60(b) is a matter within the discretion of the district court. Werner v. Carbo, 731 F.2d 204, 206 (4th Cir. 1984). A party seeking relief under Rule 60(b) must “make a showing of timeliness, a meritorious defense, a lack of unfair prejudice

to the opposing party, and exceptional circumstances.” Id. at 206–07 (emphasis added). Plaintiff fails to present any meritorious defense or exceptional circumstances. The Court finds, therefore, that Plaintiff has not made the requisite showing that he is entitled to relief pursuant to Rule 60(b). Accordingly, his Motion must be **denied**.

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion to Vacate Void Judgment, (Doc. No. 37), is **DENIED**.

Signed: March 30, 2016



Robert J. Conrad, Jr.
United States District Judge

