

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DRAYE D. DURHAM,
Petitioner,

v.

JOSEPH J. PIAZZA,
THE DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

CIVIL ACTION

NO. 07-4338

ORDER

AND NOW, this 12th day of June, 2015, upon consideration of “Motion to Vacate the District Judge’s Order and Memorandum Dated the 11th Day of February 2011, Pursuant to Federal Rules of Civil Procedure 60(B)(6)” (Document No. 58, filed December 29, 2014), filed by *pro se* petitioner, Draye D. Durham, for the reasons stated in the accompanying Memorandum dated June 12, 2015, **IT IS ORDERED** as follows:

1. “Motion to Vacate the District Judge’s Order and Memorandum Dated the 11th Day of February 2011, Pursuant to Federal Rules of Civil Procedure 60(B)(6),” filed by *pro se* petitioner, Draye D. Durham, is **DISMISSED AS UNTIMELY FILED**; and,

2. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court’s procedural ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:


DuBOIS, JAN E., J.