

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

ALLEN VIDMOSKO	:	Civil Action: 1:12-cv-0410
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
MS. LAMAS & PA STATE ATTORNEY GENERAL	:	
	:	
Respondents	:	

ORDER

Presently before the court is *pro se* petitioner Allen Vidmosko's ("Vidmosko") motion (Doc. 7) for relief from a final judgment filed October 1, 2012, pursuant to Federal Rule of Civil Procedure 60(b) which provides:

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. Pro. 60(b). Vidmosko is contesting this court's September 10, 2012 order (Doc. 7) adopting Magistrate Judge Malachy E. Mannion's report and recommendation (Doc. 5) filed May 14, 2012 recommending Vidmosko's petition for *writ of habeas corpus* be denied, and giving both parties until June 1, 2012, to file objections, and the court understanding that the recommendation to dismiss Vidmosko's *habeas* petition was based on the fact that Vidmosko failed to pay the mandatory filing fee or submit a certified copy of his inmate account as required by 28 U.S.C. § 1915(a)(2); see Piskanin v. Court of Common Pleas of Lehigh Valley and all of its Judges, 359 F. App'x 276, 278 (3d Cir. 2009),¹ and the court noting that Vidmosko was put on notice that failing to follow the court's order would result in the recommendation that his case be dismissed, and the court recognizing that, to this date, Vidmosko has still not submitted the appropriate filing fee or a certified copy of his inmate account, therefore, the court hereby orders that the motion (Doc. 7) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

Dated: October 11, 2012

¹Vidmosko appears to argue that because he received a document from the court with a different prisoner's name on it and because he never signed any documents with either the federal courts or the prison which would allow him to receive mail, the Magistrate Judge's recommendation and this court's order should be vacated. Thus, it is not entirely clear which of the Rule 60(b) grounds Vidmosko is seeking relief under.