IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD CARRINGTON WILLIAMS)	
)	
)	
V.)	CV 1-499
PHILLIP L. JOHNSTON	,	

MEMORANDUM ORDER

This civil action number relates to Mr. William's petition for habeas corpus pursuant to 28 U.S.C. § 2254, filed on March 15, 2001, and denied by Order dated April 25, 2001. On November 30, 2017, Defendant filed a <u>pro se</u> Motion pursuant to Rule 60(b)(6). The caption of that Motion names as defendants Barry Smith, identified as the Superintendent of SCI-Houtzdale, and the Allegheny County District Attorney. Such a Motion must be made within "a reasonable time."

Defendant purports to bring his Motion pursuant to a change in the law, which he contends would render his Motion timely. His Motion asserts entitlement to relief based on "a multitude of Misconducts; Ineffective assistance of counsel; false identification; Violation of Petitioners right to a constitutionally fair trial, Etc." This multitude includes: witness testimony at trial that was "questionable"; denial of an opportunity to present an alibi to the jury, and ineffective trial, appellate, and post-conviction counsel vis-à-vis the alibi; and the trial court's failure to make credibility and factual findings. I have carefully reviewed the entirety of Defendant's submissions, under liberal standard applicable to <u>pro se</u> litigants. Even assuming that Defendant could proceed against the Defendants named in his Motion, he has stated no

grounds that would warrant consideration of his Motion sixteen-and-a half years after the pertinent judgment. Under the circumstances, the Motion was not filed within a reasonable time, and will be denied.

AND NOW, this 16th day of February, 2018, IT IS SO ORDERED.

BY THE COURT:

Donetta W. Ambrose

Senior Judge, U.S. District Court

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