IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Unula Boo-Shawn Abebe a/k/a Unula B. Abebe, Plaintiff, v. Lieutenant Carter, Maurice Green, et al., Defendants.	C/A No.: 5:11-cv-2750-RMG **ORDER**

This matter is before the Court on Plaintiff's motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (Dkt. No. 106). Plaintiff requests the Court review its orders finding his claims for declaratory and injunctive relief moot (Dkt. No. 101) and granting Defendants an extension of time to file a renewed motion for summary judgment or memorandum of law in support of summary judgment (Dkt. No. 102). For the reasons set forth below, this motion is denied.

Rule 60(b) provides a means for the court to "relieve a party or its legal representative from a final judgment, order, or proceeding" for six separately listed reasons including "mistake, inadvertence, surprise, or excusable neglect," "newly discovered evidence," "fraud," a void judgment, a satisfied, released or discharged judgment, and for "any other reason that justifies relief." Fed. R. Civ. P. 60(b) (1)-(6). "Relief under 60(b)(6) is warranted only upon a showing of extraordinary circumstances that create a substantial danger that the underlying judgment was unjust." *Margoles v. Johns*, 798 F.2d 1069, 1073 (7th Cir. 1986); *see Reid v. Angelone*, 369 F.3d 363, 370 (4th Cir. 2004).

The Court finds Plaintiff does not meet any of the standards listed above. Plaintiff complains that his claim has been mooted due to his transfer, however, the Court held only that

his claims for declaratory and injunctive relief were moot. His claims for monetary relief remain active. *See Williams v. Griffin*, 952 F.2d 820, 823 (4th Cir. 1991) (mooting claims for declaratory and injunctive relief regarding prison conditions when prisoner was transferred to another facility). Further, the Court has broad discretion in altering a scheduling order, and finds no error in finding good cause to grant Defendants' extension.

Accordingly, Plaintiff's motion is DENIED. (Dkt. No. 106).

AND IT IS SO ORDERED.

Richard Mark Gergel
United States District Court Judge

March 14, 2013
Charleston, South Carolina