

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

LORENZA JACKSON,)	
)	
Petitioner,)	
)	
v.)	No.: 3:18-CV-74-TAV-JEM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION AND ORDER

Before the Court is petitioner’s motion to reconsider [Doc. 27] and his motion for leave to amend his motion to reconsider [Doc. 30]. In his motion to reconsider [Doc. 27], petitioner asks the Court to reconsider its Order denying his Federal Rule of Civil Procedure Rule 60(b)(1) motion as untimely [See Doc. 26]. He argues that his Rule 60(b)(1) motion was timely filed and should not have been denied on this basis. In support, petitioner attaches to his motion to amend an envelope with a dated postmark [Doc. 30, p. 4].

On February 26, 2021, this Court entered a Memorandum Opinion [Doc. 19] and Judgment Order [Doc. 20] denying petitioner’s 28 U.S.C. § 2255 motion [Doc. 1]. On March 19, 2021, a notice of appeal as to the Court’s Memorandum Opinion [Doc. 19] and Judgment Order [Doc. 20] was filed [Doc. 21]. On December 7, 2021, the Sixth Circuit issued an order disposing of all of petitioner’s claims and declining to issue a Certificate of Appealability [Doc. 24].

After the Sixth Circuit issued its order, petitioner filed a motion in this Court pursuant to Rule 60(b)(1) [Doc. 25], arguing that the Court misapplied a Federal Rule of Evidence in its Memorandum Opinion [Doc. 19]. The Court denied the motion for being untimely filed [Doc. 26]. Petitioner now seeks review of the Court's denial of his Rule 60(b)(1) motion because he has evidence that he timely filed his motion [*See* Docs. 27, 30].

The Court recognizes that petitioner has provided the Court with evidence that his Rule 60(b)(1) motion may have been timely filed [*See* Doc. 30, p. 4]. However, even if petitioner's Rule 60(b)(1) motion was timely filed, petitioner raised on appeal those same arguments that petitioner raised in his Rule 60(b)(1) motion [*See* Doc. 25; 6th Cir. ECF No. 21-5270, Doc. 7, pp. 8–9]. The Sixth Circuit ultimately affirmed this Court's denial of petitioner's § 2255 motion [Doc. 1] and declined to issue a Certificate of Appealability [*See* Doc. 24; 6th Cir. ECF No. 21-5270, Doc. 8]. Arguments that were already presented and denied on appeal are unreviewable on a Rule 60(b) motion. *See GenCorp, Inc. v. Olin Corp.*, 477 F.3d 368, 373 (6th Cir. 2007). Thus, the Court is precluded from reviewing petitioner's Rule 60(b)(1) motion, and his motions [Docs. 27, 30] are **DENIED as moot**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE