

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LATONYA EASLEY,

Plaintiff,

v.

**THE UNITED STATES OF AMERICA,
ET AL.,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)

**No. 3:09-0479
Judge Echols**

ORDER

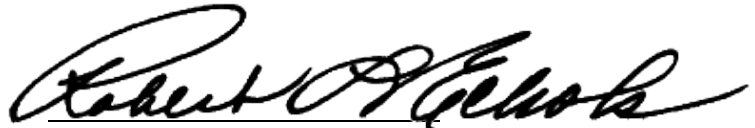
This action was dismissed as frivolous on May 26, 2009. (Docket Entry No. 11). The plaintiff has filed a Motion to Vacate Judgment (Docket Entry No. 12), which the Court liberally construes as a motion under Rule 60(b)(1), Fed. R. Civ. P., and an Amended Complaint (Docket Entry No. 14).

A Rule 60(b)(1) motion is intended to provide relief in only two situations: 1) when a party has made an excusable mistake, or an attorney has acted without authority; or 2) when the judge has made a substantive mistake of law or fact in the final judgment or order. *Cacevic v. City of Hazel Park*, 226 F.3d 483, 490 (6th Cir. 2000). The plaintiff argues that the Court neglected to apply the doctrine of liberal construction in this *pro se* action.

As noted in its Memorandum, the Court did apply the doctrine of liberal construction in the plaintiff's case. (Docket Entry No. 10, p. 2). The Complaint was still frivolous.

The plaintiff's motion (Docket Entry No. 12) is **DENIED**. The Clerk is directed to **STRIKE** the Amended Complaint (Docket Entry No. 14) from the record.

It is so **ORDERED**.



Robert L. Echols
United States District Judge