

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TIMOTHY AARON BAXTER,)
Plaintiff,)
VS.)
STATE OF TENNESSEE, ET AL.,)
Defendants.)
No. 12-1294-JDT-egb

ORDER DENYING MOTION FOR RELIEF FROM ORDER AS MOOT

On November 25, 2016, the *pro se* prisoner Plaintiff, Timothy Aaron Baxter, filed a notice of appeal from the grant of summary judgment to the Defendants in this case. (ECF No. 75.) The Court subsequently issued an order directing Plaintiff to submit an updated *in forma pauperis* affidavit and inmate trust account statement, pursuant to 28 U.S.C. §§ 1915(a)-(b). (ECF No. 76.) When Plaintiff failed to comply with that order, the Court issued an order on January 9, 2017, denying leave to appeal *in forma pauperis*. (ECF No. 78.)

On February 3, 2017, Plaintiff filed a motion pursuant to Federal Rule of Civil Procedure 60(b) seeking relief from the order denying leave to appeal *in forma pauperis*. (ECF No. 79.) He stated that he gave all of the necessary documents to a prison employee

for mailing on January 1, 2017, but for an unknown reason only the trust account statement actually reached the Court.¹ He sought leave to resubmit the documents.

Plaintiff's motion for relief from the order is DENIED as moot. The Sixth Circuit dismissed Plaintiff's appeal for lack of jurisdiction because the notice of appeal was late.

Baxter v. Gray, No. 16-6747 (6th Cir. Mar. 29, 2017).

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The Clerk's office returned the trust account statement to Plaintiff without filing it because he neglected to include the case number on the document. (See ECF No. 79-1 at 1-3.)