
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

AUGUST HOLLAND,

Plaintiff,

versus

THERESA TURNER, *et al.*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:07-CV-477

MEMORANDUM OPINION AND ORDER

Plaintiff August Holland, an inmate confined at the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Theresa Turner and Charlotte Wilson

Discussion

A final judgment was entered in the above-styled action, dismissing plaintiff's lawsuit. Plaintiff has filed a motion for reconsideration (docket entry #11). This memorandum considers such motion.

Analysis

Rule 60(b), FED. R. CIV. P. provides in pertinent part:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Plaintiff asserts that he seeks injunctive and declaratory relief. However, in his original complaint, plaintiff sought monetary damages in the amount of \$300,000.00. As set forth in the Report adopted in this case, plaintiff's claim for monetary damages is barred under *Heck*. See *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); *Rogers v. Department of Corrections*, 263 F.3d 163, at *1 (5th Cir. 2001).

After careful consideration, the court concludes that plaintiff's motion fails to set forth a meritorious reason warranting reconsideration of the court's judgment. Accordingly, the motion should be denied.

ORDER

For the reasons set forth above, plaintiff's motion for reconsideration should be denied. It is therefore,

ORDERED that plaintiff's motion for relief from judgment is **DENIED**.

SIGNED at Sherman, Texas, this 10th day of September, 2008.



MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE