
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DERRICK D. LEWIS,

Plaintiff,

*versus*UNITED STATES OF AMERICA, INC.,
et al.,

Defendants.

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CIVIL ACTION NO. 1:12-CV-391

MEMORANDUM OPINION AND ORDER

Plaintiff Derrick D. Lewis, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this lawsuit against the United States of America and prison officials.

Discussion

A final judgment was entered on April 30, 2013, dismissing the above-styled action for want of prosecution based on mail being returned to the Court and Plaintiff's failure to update his address. Plaintiff has filed a motion for reconsideration (docket entry no. 12). 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 his mail was returned to the Court by prison officials in error because he has remained confined in the Bureau of Prisons.

After careful consideration of Plaintiff's motion, the court is of the opinion that the motion sets forth a meritorious ground warranting relief from the judgment. Accordingly, Plaintiff's motion for reconsideration should be granted.

ORDER

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

ORDERED that Plaintiff's motion is **GRANTED**. The Clerk of Court is **DIRECTED** to reinstate the above-styled action on the Court's active docket.

Signed this date.

Aug 1, 2014



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE