

(c) Timing and Effect of the Motion. (1) Timing. A motion under Rule 60(b) must be made within a reasonable time -- and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

FED. R. CIV. P. 60(b) and (c).

Petitioner's motion for relief from the judgment was not filed until more than seventeen (17) months after the judgment was entered. Further, petitioner's motion was not filed until after his petition for writ of certiorari had been denied by the Supreme Court. As this petitioner has already challenged the dismissal of this action to the Supreme Court, this court is not at liberty to entertain petitioner's motion for relief from judgment.

ORDER

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

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

SIGNED this 13th day of January, 2012.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE