

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION

ROSE ADANMA DURU,

Plaintiff,

v.

TEXAS STATE COURT, *et al.*,

Defendants.

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Civil Action No. **3:15-CV-1855-L**

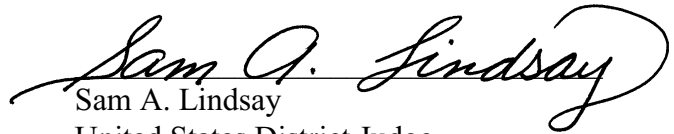
ORDER

On June 17, 2016, United States Magistrate Judge Irma Carrillo Ramirez entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) recommending that the court construe Plaintiff’s Motion to Transfer (“Motion” or “Motion to Transfer”) (Doc. 55), filed June 3, 2016, as a Rule 60(b) motion and deny the motion. No objections to the Report were received as of the date of this order.

The court agrees that Plaintiff’s Motion should be decided under Rule 60(b) of the Federal Rules of Civil Procedure because of the time that has passed since entry of the judgment in this case; however, it is not clear from the Report whether the magistrate judge recommends that Plaintiff’s Motion should be denied on the merits or for lack of jurisdiction. As noted in the Report, this case was dismissed without prejudice for lack of subject matter jurisdiction on February 29, 2016, and no appeal from the judgment entered by the court was taken by Plaintiff. Plaintiff instead filed her Motion to Transfer in which she contends, without explanation, that fraud occurred in the dismissal of this action: “This case was fraudulently and maliciously closed by the court. The U.S. District Court Clerk maliciously changed the jurisdiction from the original ‘diversity’ to federal question,

which led to the dismissal of this case.” Pl.’s Mot. 2. Plaintiff also asserts other grounds that pertain to the merits of her claims. Because the court previously dismissed this action for lack of subject matter jurisdiction, and Plaintiff’s conclusory assertion that the case was closed as a result of alleged fraud by the court or clerk is unsubstantiated and fails to address the basis for the court’s prior determination that it lacks jurisdiction over this action, Plaintiff’s Motion to Transfer (Doc. 55) is **denied** for lack of jurisdiction. To the extent that the Report recommends that the court consider and deny the Motion on the merits, it is **rejected as moot**.

It is so ordered this 14th day of July, 2016.


Sam A. Lindsay
United States District Judge