

United States District Court
 Southern District of Texas

ENTERED

July 02, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF TEXAS
 GALVESTON DIVISION**

NELSON ROMERO,
 TDCJ # 01127658,

Petitioner,

v.

LORIE DAVIS, Director, Texas
 Department of Criminal Justice,
 Correctional Institutions Division,

Respondent.

§
 §
 §
 §
 §
 §
 §
 §
 §
 §
 §
 §
 §
 §
 §

CIVIL ACTION NO. 3:13-0098

MEMORANDUM OPINION AND ORDER

This Court dismissed Romero’s petition for a writ of habeas corpus and entered final judgment (Dkt. 49, Dkt. 50) on April 26, 2018, and denied Romero’s previous motion for reconsideration (Dkt. 54).

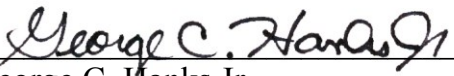
Romero now has filed a motion for review (Dkt. 57) seeking reconsideration of the judgment. Because the motion was filed more than twenty-eight days after judgment was entered, the Court construes the filing as a motion for relief under Rule 60(b). *See Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012). Rule 60(b) is an uncommon means for relief, and “final judgments should not be lightly reopened.” *Lowry Dev., L.L.C. v. Groves & Associates Ins., Inc.*, 690 F.3d 382, 385 (5th Cir. 2012) (internal citation, alteration, and quotation marks omitted). A Rule 60(b) motion may not be used to raise arguments that could have been raised prior to judgment or to argue new legal

theories. *Dial One of the Mid-S., Inc. v. BellSouth Telecommunications, Inc.*, 401 F.3d 603, 607 (5th Cir. 2005).

Romero's motion for review raises the same issues regarding sufficiency of the evidence that he raised prior to entry of judgment and presents no valid ground for relief under Rule 60(b). Therefore, his motion for review (Dkt. 57) is **DENIED**.

The Clerk will send a copy of this order to the parties.

SIGNED at Galveston, Texas, this 2nd day of July, 2019.



George C. Hanks Jr.
United States District Judge