

United States District Court
Southern District of Texas

ENTERED

September 13, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

NELSON ROMERO,
TDCJ # 01127658,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 3:13-CV-98

MEMORANDUM OPINION AND ORDER

On April 26, 2018, this Court dismissed Romero’s petition for a writ of habeas corpus and entered final judgment (Dkt. 49, Dkt. 50). Romero then filed two motions for reconsideration, which the Court denied (Dkt. 54, Dkt. 58). On August 19, 2019, Romero filed a notice of appeal (Dkt. 59). The Court now **ORDERS** as follows:

1. Romero has filed a motion for documents, invoking 28 U.S.C. § 2250. Because Romero does not identify any specific document relevant to his motion and has not otherwise demonstrated a basis for the relief he seeks, his motion for documents (Dkt. 61) is **DENIED**.

2. Romero has filed a motion for Rule 60(b) relief. 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). Because Romero presents no valid ground for relief, his motion for Rule 60(b) relief (Dkt. 62) is **DENIED**.

3. Romero's motion for leave to appeal *in forma pauperis* is incomplete because Romero has not included a certified copy of his inmate trust fund account statement. The motion to proceed *in forma pauperis* on appeal (Dkt. 64) therefore is **DENIED** at this time without prejudice to reconsideration if Romero files an amended, properly supported motion within thirty days from the date of this order.


4. Romero's motion for a DKT-13 form (Dkt. 65) is **GRANTED**. The Court **INSTRUCTS** the Clerk to mail a DKT-13 form to Romero.

5. Romero's motion for extension of time to file his appeal (Dkt. 66) is **DENIED** because the Court lacks authority to extend Fifth Circuit deadlines.

6. For the reasons previously stated (Dkt. 49), a certificate of appealability is **DENIED**.

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

SIGNED this day 13th day of September, 2019.



George C. Hanks Jr.
United States District Judge