

United States District Court
Southern District of Texas

ENTERED

July 22, 2019

David J. Bradley, Clerk

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

MONGO JA'BARR WILLIAMS
TDCJ # 01269681,

Plaintiff,

v.

WARDEN JAMES DANHEIM, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:16-361

MEMORANDUM OPINION AND ORDER

Plaintiff Mongo Williams filed this civil rights action complaining of inadequate medical care. On April 30, 2019, this Court dismissed Plaintiff's claims and entered final judgment (Dkt. 19, Dkt. 20). On July 17, 2019, Williams filed a motion to alter or amend the judgment (Dkt. 27).

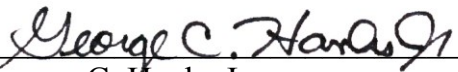
Because the motion was filed more than twenty-eight days after judgment was entered, Federal Rule of Civil Procedure 60(b) applies. *See Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012). Rule 60(b) is an uncommon means for relief, and "final judgments should not be lightly reopened." *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).

The Court's prior opinion dismissed Williams' case because his allegations that Defendant denied him ice and crutches for his ankle injury failed to state a claim under the Eighth Amendment. *See* Memorandum Opinion and Order (Dkt. 19). His complaints regarding the processing of his grievances also failed to state a claim under the Due Process Clause (*id.*). Williams' current motion makes arguments that were or could have been made before entry of judgment and presents no basis for relief from the judgment under Rule 60(b). Therefore, the motion for reconsideration (Dkt. 27) is **DENIED**.

In addition, Plaintiff's motion for appointment of counsel (Dkt. 26) is **DENIED as moot** because this civil action is closed.

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

SIGNED at Galveston, Texas, this 22nd day of July, 2019.



George C. Hanks Jr.
United States District Judge