

United States District Court  
Southern District of Texas

**ENTERED**

April 26, 2018

David J. Bradley, Clerk

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

BOBBY RAY WILLIAMS,  
TDCJ #1802766,

Plaintiff,

v.

SHIRLEY F. TAYLOR,

Defendant.

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CIVIL ACTION NO. H-17-3517

**ORDER**

State inmate Bobby Ray Williams (TDCJ #1802766) filed a Prisoner's Civil Rights Complaint under 42 U.S.C. § 1983 ("Complaint") (Docket Entry No. 1), alleging that a female correctional officer (Shirley F. Taylor) violated the Eighth Amendment when she patted him on the "backside" on two occasions during a search for contraband and then laughed when he complained. On February 23, 2018, the court dismissed the Complaint as legally frivolous. Thereafter, on March 29, 2018, the court denied his "Motion of Relief from Judgment or Order [and] Motion to Alter or Amend a Judgment," which was construed to arise under Rule 59(e) of the Federal Rules of Civil Procedure (Docket Entry No. 15). Williams has now filed a "Motion for Reconsideration" (Docket Entry No. 16), challenging the dismissal of his case.

The Motion for Reconsideration is governed by Rule 60(b) of the Federal Rules of Civil Procedure. Under Rule 60(b) a district

court "may relieve a party . . . from a final judgment, order, or proceeding for the following reasons:

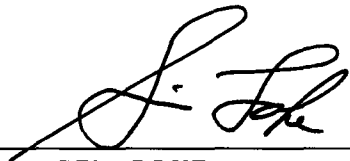
- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released or discharged . . .; or
- (6) any other reason that justifies relief."

Fed. R. Civ. P. 60(b) (2017). Williams does not invoke any particular provision found in Rule 60(b), and none of his arguments demonstrate that this case was dismissed improperly.

For reasons articulated previously in this case, it is **ORDERED** that the Motion for Reconsideration under Rule 60(b) filed by Bobby Ray Williams (Docket Entry No. 16) is **DENIED**.

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

**SIGNED** at Houston, Texas, on this 26<sup>th</sup> day of April, 2018.

  
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SIM LAKE  
UNITED STATES DISTRICT JUDGE