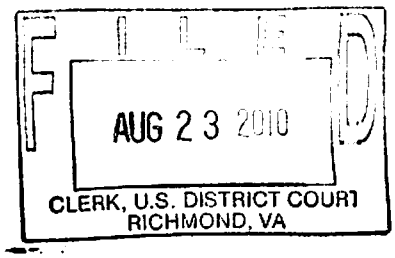
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



LARRY E. PATTERSON, *et al.*,

Plaintiffs,

v. Civil Action No. **3:08CV490**

TIMOTHY M. KAINE, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiffs Larry Patterson and James Clark, proceeding *pro se*, brought this 42 U.S.C. § 1983 action. On December 3, 2009, the Magistrate Judge recommended that Plaintiffs' claims be dismissed. Plaintiffs filed an amended complaint. On March 11, 2010, the Court dismissed the action with prejudice. On March 17, 2010, Plaintiffs filed a motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to reconsider the Court's judgment of dismissal.[1] On June 1, 2010, the Court denied Plaintiffs' motion for reconsideration.

On July 2, 2010, the Court received from Plaintiffs a motion pursuant to Rule 60(b) for relief from the Court's judgment of dismissal. Plaintiffs argue that the Court's judgment is flawed due to the Court's failure "to protect the entitlements of Plaintiffs, and the complete favoritism demonstrated in not 'rubber stamping' dismiss on the similar filings in Civil Action 3:10CV70." (Rule 60(b) Mot. 1 (spelling corrected).)

Petitioner invokes Rule 60(b) without specifying any subsection. Because Petitioner argues that the Court committed a mistake of law, Rule 60(b)(1) applies. *See Taylor v. Virginia,*

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[1] Pursuant to *Houston v. Lack*, 487 U.S. 266 (1988), an inmate's motion is deemed filed on the date it is handed to prison staff for mailing.

Dep't of Transp., 170 F.R.D. 10, 11 (E.D. Va. 1996) (*citing Moeller v. D'Arrigo*, 163 F.R.D. 489, 492 (E.D. Va. 1995)); *United States v. Williams*, 674 F.2d 310, 312 (4th Cir. 1982). Plaintiffs have failed to identify any legal error in the March 11, 2010 Memorandum Opinion and Order dismissing this action. Plaintiffs' Motion for Relief under Rule 60(b) (Docket No. 52) will be DENIED.

An appropriate order will issue.

And it is so ORDERED.

/s/
James R. Spencer
Chief United States District Judge

Date: 8-23-10
Richmond, Virginia