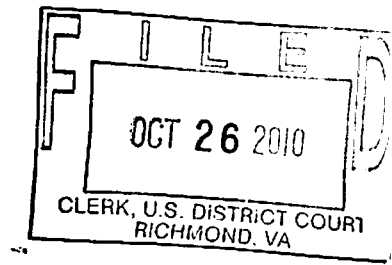


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



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.<sup>1</sup> 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. On August 23, 2010, the Court denied Rule 60(b) relief.

Plaintiffs are now before the Court with a "MOTION TO RECONSIDER SO THAT PLAINTIFFS MAY OVERCOME ADMINISTRATIVE INTERFERENCES." Plaintiffs are moving this Court to reconsider its August 23, 2010 denial of Rule 60(b) relief because Plaintiffs have been denied access to a law library and legal assistance in jail.

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<sup>1</sup> 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.

Because the present motion was filed more than twenty-eight days after the entry of final judgment, it will be treated as a Rule 60(b) motion. As a threshold to obtaining relief under Rule 60(b), the movant must show “the existence of a meritorious claim or defense.” *Square Constr. Co. v. Wash. Metro. Area Transit Auth.*, 657 F.2d 68, 71 (4th Cir. 1981) (citing *Compton v. Alton S.S. Co., Inc.*, 608 F.2d 96, 102 (4th Cir. 1979)). In their Rule 60(b) motion, Plaintiffs fail to demonstrate that they have a meritorious claim. Accordingly, Plaintiffs’ Motion for Reconsideration (Docket No. 57) will be DENIED WITHOUT PREJUDICE.

An appropriate order will issue.

And it is so ORDERED.

Date: 10-25-10  
Richmond, Virginia

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| <p>_____<br/>/s/<br/>James R. Spencer<br/>Chief United States District Judge</p> |
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