

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LINDA REED,

Plaintiff,

v.

Case No. 14-C-0330

COLUMBIA ST. MARY'S HOSPITAL,

Defendant.

DECISION AND ORDER

On July 14, 2014, pro se Plaintiff Linda Reed (“Reed”) filed a motion (ECF No. 10) pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure, to set aside this Court’s Final Decision and Order and Judgment, entered on July 2, 2014, denying both her petition for leave to proceed *in forma pauperis* on her action against Defendant Columbia St. Mary’s Hospital on claims arising from her hospitalization in March 2012 and her motion for appointment of counsel for lack of jurisdiction, and dismissing the action. (See ECF Nos. 8-9.) Reed maintains that as a pro se litigant she made an “honest mistake” in filing a second action. She also argues the merits of her claims.

There is no indication that Reed filed her motion to circumvent the time limits for an appeal under Federal Rule of Appellate Procedure 4. See *Mendez v. Republic Bank*, 725 F.3d 651, 659 (7th Cir. 2013). In such cases, a district court may grant relief under Rule 60(b)(1) to correct errors that might also be corrected on direct appeal. *Id.* at 660-61 (affirming district court's grant of Rule 60(b) relief where district judge realized she had made a mistake that rendered the judgment incorrect and invited a party to file a Rule

60(b) motion; the party had an appeal pending and filed its Rule 60(b) motion just six days after filing its timely notice of appeal). Nonetheless, Reed has not established that she is entitled to relief from judgment pursuant to Rule 60(b)(1). Furthermore, even if Reed's motion were considered under Rule 59(e), which allows a court to alter or amend a judgment only if the movant can establish a manifest error of law or can present newly discovered evidence, *Anderson v. Catholic Bishop of Chi.*, No. 13-1803, ___ F.3d ___ 2014 WL 2959129, at *7 (7th Cir. July 2, 2014), she has not met the criteria for such relief. Therefore, Reed's motion to set aside the order of dismissal is denied.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Reed's motion pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure to set aside the order of dismissal (ECF No. 10) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 15th day of July, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge