

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KEITH RUSSELL JUDD,

Petitioner

v. // CIVIL ACTION NO. 1:11CV93
(Judge Keeley)

SECRETARY OF STATE OF WEST VIRGINIA,
STATE OF WEST VIRGINIA,

Respondents.

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT [DKT. NO. 18]

On January 18, 2012, the Court entered an Order and Judgment adopting the Report and Recommendation of United States Magistrate Judge James E. Seibert, and dismissing without prejudice the pro se petitioner Keith Russell Judd's ("Judd") 42 U.S.C. § 1983 complaint (dkt. no. 14). More than six months later, on August 2, 2012, Judd filed the pending motion seeking, inter alia, relief from judgment. (Dkt. No. 18).

Federal Rule of Civil Procedure 60(b) provides that a court may, upon motion or upon such terms as are just, relieve a party from a final judgment, order, or proceeding for one of 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; it is based on an earlier judgment that has been reversed or vacated; or

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applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

Here, Judd has failed to specify what provision of Rule 60(b), if any, he relies upon for his motion. Instead, he simply reiterates the same frivolous arguments the Court rejected over six months ago. Accordingly, the Court **DENIES** his motion (dkt. no. 18).

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: October 4, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE