END

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

2:15-cv-03199"DCN Date Filed 03/18/19 Entry Number 234 Page 1 of 3

USCA4 Appeal: 18-1820 Doc: 27 Filed: 03/18/2019 Pg: 1 of 3

UNPUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 18-1820

BOBBY KNIGHT, a/k/a Bobby Knight, III,

Plaintiff - Appellant,

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenega Security,

Defendants ■ Appellees,

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR,, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M.CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractors Licensing Board; Contractor's Licensing Board, JAMES EDWARD LADY, South Carolina State Department of Labor Licensing & Regulation, as

Contractor's Licensing Board.; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS,

Defendants.

2:15-cv-03199-DCN Date Filed 03/18/19 Entry Number 234 Page 3 of 3
USCA4 Appeal: 18-1820 Doc: 27 Filed: 03/18/2019 Pg: 3 of 3
PER CURIAM:

Bobby Knight appeals from the district court's amended judgment dismissing Knight's civil claims against several Defendants.

We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's amended judgment. See *Knight v. Chenega Sec., Inc.*,

No. 2:15-cv-03199-DCN (D.S.C. July 27, 2018). We grant Knight's motion to supplement the record. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

2:15-c-v-03199-DCN Date Filed 03/18/19 Entry Number 234 Page 2 of 3

USCA4 Appeal: 18-1820 Doc: 27 Filed: 03/18/2019 Pg: 2 of 3

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:15-cv-03199-DCN)

Submitted: March 14, 2019
Decided: March 18, 2019

Before WYNN and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.
Affirmed by unpublished per curiam opinion.
Bobby Knight, III, Appellant Pro Se. John Keith Blincow, Jr., BLINCOW GRIFFIN, Charleston, South Carolina, for Appellees.

2:15-cv-03199-DCN Date Filed 04-/09/19
Entry Number 235-1 Page 1 of 5

USCA4 Appeal: 18-1820 Doc: 28~1 Filed: 03/18/2019
Pg: 1 of 2 Total Pages-(1 of 5)

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 18-1820
(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation,

as Contractor's Licensing Board; JAMES EDWARD LADY, South Carolina State

Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing &

Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER,

South Carolina State Department of Labor Licensing & Regulation, as Contractor's

Licensing Board; BILL NEELY, South Carolina State Department of Labor

Licensing & Regulation, as Contractor's Licensing Board; JAMIE C.

PATTERSON, South Carolina State Department of Labor Licensing & Regulation,

as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State

Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

2:15-cv-03199-DCN Date Filed 04/09/19 Entry Number 235-1 Page 3 of 5

USCA4 Appeal: 18-1820 Doc: 28-2 Filed: 03/18/2019 Pg: 1 of 3 Total Pages:(3 of 5

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820, Bobby Knight, III v. Chenega Security Inc.

2:15-cv-03199-DCN

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. (www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNE COUNSEL:Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a

petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from theAttorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP
39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be

clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter.

Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

4

2:15-cv-03199-DCN Date Filed 04/09/19 Entry Number 235-1 Page 5 of 5

USCA4 Appeal: 18-1820 Doc: 28-2 Filed: 03/18/2019 Pg: 3 of 3 Total Pages:(5 of 5)

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM

(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are

taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

• Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is $500 (effective 12/1/2013). The $5 fee for filing a notice of appeal is recoverable as a cost in the district court.

• Itemize the costs (not to exceed $.15 per page) for copying the necessary number of formal briefs and appendices. (Effective 10/1/2015, the court requires 1 copy when filed; 3 more copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.

• Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees). Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of costs:_____

Appellate Docketing Fee (prevailing

appellants): Amount Requested: _____ Amount Allowed: _____

Document No. of Pages No. of Copies

Page

Cost

(<$.15)

Total Cost

Requested Allowed

(court use only) Requested Allowed

(court use only) Requested Allowed

(court use only)

TOTAL BILL OF COSTS: $0.00 $0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than $.15 per copy or, if less, I have reduced the amount charged to the lesser rate.

2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.

3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____

Date: _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____

Date: _____

2:15-cv-03199-DCN Date Filed 04/09/19 Entry Number 235-1 Page 1 of 5

USCA4 Appeal: 18-1820 Doc: 28-1 Filed: 03/18/2019 Pg: 1 of 2 Total Pages:(1 of 5)

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820

(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMES EDWARD

LADY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

1

NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

2

2:15-cv-03199-DCN Date Filed 04/09/19 Entry Number 235-1 Page 3 of 5

USCA4 Appeal: 18-1820 Doc: 28-2 Filed: 03/18/2019 Pg: 1 of 3 Total Pages:(3 of 5)

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820, Bobby Knight, III v. Chenega Security Inc.

2:15-cv-03199-DCN

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the

United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. (www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL: Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP
39, Loc. R. 39(b))

2:15-cv-03199-DCN Date Filed 05/03/19 Entry Number 236 Page 1 of 2

USCA4 Appeal: 18-1820 Doc: 31 Filed: 05/03/2019 Pg: 1 of 2

FILED: May 3, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820

(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMES EDWARD LADY, South Carolina State Department of Labor

Licensing & Regulation, as Contractor's Licensing Board; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

1

NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants

ORDER

The court strictly enforces the time limits for filing petitions for rehearing and petitions for

rehearing en banc in accordance with Local Rule 40(c). The petition in this case is denied as untimely.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

2:15-cv-03199-DCN Date Filed 05/17/19 Entry Number 237 Page 1 of 2

USCA4 Appeal: 18-1820 Doc: 33 Filed: 05/17/2019 Pg: 1 of 2

FILED: May 17, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820

(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTICELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMES EDWARD

LADY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants.

1

2:15-cv-03199-DCN Date Filed 05/17/19 Entry Number 237 Page 2 of 2

USCA4 Appeal: 18-1820 Doc: 33 Filed: 05/17/2019 Pg: 2 of 2

ORDER

The court grants the motion to reconsider its order denying a petition as untimely under Local

Rule 40(c). The petition is deemed timely filed and will be considered on its merits.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

2:15-cv-03199-DCN Date Filed 06/04/19 Entry Number 238 Page 1 of 2

USCA4 Appeal: 18-1820 Doc: 35 Filed: 06/04/2019 Pg: 1 of 2

FILED: June 4, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820

(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMES EDWARD

LADY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSU

1

USCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants

ORDER

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wynn, Judge Richardson, and Senior Judge Traxler.

For the Court

/s/ Patricia S. Connor, Clerk

2:15-cv-03199-DCN Date Filed 06/12/19 Entry Number 239-1 Page 1 of 5

USCA4 Appeal: 18-1820 Doc: 28-1 Filed: 03/18/2019 Pg: 1 of 2 Total Pages:(1 of 5)

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820

(2:15-cv-03199-DCN)

BOBBY KNIGHT, a/k/a Bobby Knight, III

Plaintiff - Appellant

v.

CHENEGA SECURITY, INC.; JOHN THORPE, Chenga Security

Defendants - Appellees

and

ROBERT J. PAPP, JR., United States Coast Guard Admiral; ATLANTIC ELECTRIC, LLC; LEGRANDE RICHARDSON; MICHAEL RICHARDSON, individually; LEGRANDE RICHARDSON, JR., South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; LEWIS M. CASWELL, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMES EDWARD

LADY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; DANIEL B. LEHMAN, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; KIMBERLY L. LINEBERGER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; BILL NEELY, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; JAMIE C. PATTERSON, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board; W. FRANKLIN WALKER, South Carolina State Department of Labor Licensing & Regulation, as Contractor's Licensing Board;

1

NIKKI R. HALEY, Governor; GEORGE SKIP ALDRICH, Individual, DHSUSCG CHAS; JOHN THORPE, Chenega Security; MICHAEL GLAZIER, Individual, DHS-FLETC CHAS

Defendants

JUDGMENT

In accordance with the decision of this court, the judgment of the district

court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in

accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

2

FILED: March 18, 2019

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 18-1820, Bobby Knight, III v. Chenega Security Inc.

2:15-cv-03199-DCN

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from

issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. (www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP
39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM

(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is eversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

• Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is $500 (effective 12/1/2013). The $5 fee for filing a notice of appeal is recoverable as a cost in the district court.

• Itemize the costs (not to exceed $.15 per page) for copying the necessary number of formal briefs and appendices. (Effective 10/1/2015, the court requires 1 copy when filed; 3 more copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.

• Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees). Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of Costs: _____

Appellate Docketing Fee (prevailing

appellants): Amount Requested: _____ Amount Allowed: _____

Document No. of Pages No. of Copies

Page

Cost

(<$.15)

Total Cost

Requested Allowed

(court use only) Requested Allowed

(court use only) Requested Allowed

(court use only)

TOTAL BILL OF COSTS: $0.00 $0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than $.15 per copy or, if less, I have reduced the amount charged to the lesser rate.

2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.

3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____

Date: _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____

Date: _____

See WRIT @pg 22
APPENDIX 3.1.supporting cite

For example, in Louzon v. Ford Motor Co., the district court granted a motion in limine in which a party argued that its opponent could not make out a prima facie case where the evidence was "irrelevant and in- admissible." 718 F.3d 556, 562-63 (6th Cir. 2013). In- stead of analyzing the district court's decision as a simple evidentiary ruling, the Sixth Circuit explained that because the motion "rest[ed] entirely on the presumption that Louzon would not be able to make out a prima facie case" – i.e., a legal conclusion – the evidentiary ruling that followed would itself be "null." Id. at 563.

See, e.g., Louzon v. Ford Motor Co., 718 F.3d 556, 563 (6th Cir. 2013) ("Where, as here, the motion in limine is no more than a rephrased summary-judgment motion, the motion should not be considered."); Mid-Am. Tablewares, Inc. v. Mogi Trading Co., Ltd., 100 F.3d 1353 (7th Cir. 1996) (upholding district court's refusal to look at the merits of an "argument that goes to the sufficiency" of evidence through a motion in limine when such an argument is proper for summary judgment or judgment as a matter of law); Meyer Intellectual Properties Ltd. v. Bodum, Inc., 690 F.3d 1354 (Fed. Cir. 2012) (finding it improper that the "district court essentially converted Meyer's motion in limine into a motion for summary judgment" and refusing to review the decision despite both parties having fully briefed the merits of the argument on appeal).

The court clarified the importance of rejecting the "harmless error" standard of review, warning that "if these tactics were sufficient, a litigant could raise

any matter in limine, as long as he included the duplicative argument that the evidence relating to the matter at issue was irrelevant." Id. The Sixth Circuit concluded that "[w]here, as here, the motion in limine is no more than a rephrased summary-judgment motion, the motion should not be considered." Id.

Litigants often attempt to use motions in limine {and to Dismiss} to circumvent procedural rules concerning dismissal of claims. See, e.g., Williams v. Rushmore Loan Mgmt. Servs. LLC, No. 3:15CV673(RNC), 2017 WL 822793 (D. Conn. Mar. 2, 2017) (collecting cases and denying a "**procedurally improper**" motion in limine {emphasis: motions to dismiss} that sought "**dispositive rulings** on the merits of [plaintiff 's] claims").

Other circuits have likewise strictly enforced the prohibition against using a motion in limine {and to Dismiss} to achieve the equivalent of a summary judgment. In Meyer Intellectual Properties Ltd. v. Bodum, Inc., the district court granted a motion in limine that prevented the defendant from "presenting evidence in support of its inequitable conduct defense." 690 F.3d 1354, 1378 (Fed. Cir. 2012). On appeal, the defendant argued that the district court had erred as it had essentially converted the plaintiff 's motion into one of summary judgment. Id. The plaintiff argued that this error was harmless. Id.

Rejecting the plaintiff 's contention, the Federal Circuit held that "the district court erred in addressing the sufficiency of [the defendant's] inequitable conduct defense on an evidentiary motion," observing that in doing so the court had transformed the motion into a motion for summary judgment. Id. Because the Federal Circuit found "that it was procedurally improper for the [district] court to dispose of [the defendant's] inequitable conduct defense on a motion

In Limine," it reversed and remanded, declining to review APPENDIX 3.1.2 continued the decision despite both parties having fully briefed the merits of the argument on appeal. Id.

Significantly, these courts do not review district court decisions under the "substantial prejudice" harmless error standard employed by the Ninth Circuit in the instant case. The significant procedural defect of granting summary judgment on an evidentiary motion is on its own enough to warrant reversal.

See WRIT @pg 23
APPENDIX 3.2. supporting cite

See, e.g., Berkovitz v. Home Box Office, Inc., 89 F.3d 24, 30 (1st Cir. 1996) ("As with any other grant of summary judgment, the court of appeals affords plenary review to a decision granting sua sponte summary judgment, and reads the record in the light most hospitable to the targeted party."); Stella v. Town of Tewksbury, Mass., 4 F.3d 53, 56 (1st Cir. 1993) (finding that the "notice requirement for sua sponte summary judgment demands at the very least that the parties (1) be made aware of the court's intention to mull such an approach, and (2) be afforded the benefit of the minimum 10-day period mandated by Rule 56"); Bradley v. Pittsburgh Bd. of Educ., 913 F.2d 1064 (3d Cir.1990) (using a "no set of facts on which plaintiff could possibly recover" standard of review for dismissal of claims); Brobst v. Columbus Servs. Int'l, 761 F.2d 148, 154 (3d Cir. 1985), cert. denied, 484 U.S. 1043 (1988) (revers- ing where "the district court's procedure converted the in limine motion into one for summary judgment," and "effectively precluded plaintiffs from marshalling the record evidence that it had already accumulated"); Givaudan Fragrances Corp. v. Krivda, 639 F. App'x 840, 843 n.6 (3d Cir. 2016) (applying a de novo stand- ard on motion in limine decision that had a "dispositive effect"); Zokari v. Gates, 561 F.3d 1076, 1082 (10th Cir. 2009) (providing analysis of motion in limine "to exclude from trial any evidence 'regarding the failure to pay [the plaintiff] for his last day of employment' " where it found grant of that motion "was not an evidentiary ruling but was a substantive ruling that he could not

pursue a . . . wage-law claim"); Massey v. Congress Life Ins. Co., 116 F.3d 1414, 1417-18 (11th Cir. 1997) (reversing and remanding grant of sua sponte summary judgment where the nonmoving party was not given "an opportunity to marshal their strongest evidence and legal arguments in opposition" in contravention of "both Rule 56 and Eleventh Circuit precedent").

Considering a grant of summary judgment "following a hearing on motions in limine," the Third Circuit used a "no set of facts on which plaintiff could possibly recover" standard of review. Bradley v. Pittsburgh Bd. of Educ., 913 F.2d 1064, 1069 (3d Cir. 1990). Defendants in this case argued "that because the motions in limine essentially asked the district court to preclude all evidence that would support [the plaintiff 's] claims, [the plaintiff] must have known that if the motions were granted all his claims would be effectively barred." Id.

The appeals court disagreed, noting that "neither the parties nor the judge suggested that the trial, for which the jury had already been picked, would not go forward." Id. Further, "in the absence of a formal motion for summary judgment," the court found that "the plaintiff was under no formal compulsion to marshall [sic] all of the evidence in support of his claims." Id. The court therefore held that, because "the district court's procedure converted the in limine motion into one for summary judgment . . . without the procedural protections . . . require[d]," it would review the claims dismissed by the sua sponte summary judgment order "looking to . . . the allegations of the complaint and the state proceedings of which [the court] c[ould] take judicial notice." Id.

Likewise, here, Stroh informed the trial judge that if Saturna's motion in limine were granted, his

SOX claim "would be effectively barred." Nevertheless, the court failed to afford Stroh the procedural protections required under the Federal Rules of Civil Procedure, such as allowing an opportunity to submit evidentiary materials in opposition to Saturna's motion.

See WRIT @pg 23
APPENDIX 3.3. supporting cite

In Berkovitz v. Home Box Office, Inc., the First Circuit reviewed de novo a sua sponte grant of summary judgment where the district court "did not reduce [its] orders to writing, but delivered them ora sponte at the pretrial conferences" and did not "invite[ ] [the plain- tiff] to marshal and present" evidence. 89 F.3d 24, 30- 31 (1st Cir. 1996). On appeal, the court noted that it was not "comfortable shifting the blame for the apparent miscommunication to the plaintiff." Id. at 31. The appeals court found that where "review [was] . . . unaffected by the spontaneous nature of the trial court's action," it would "afford[ ] plenary review to a decision granting sua sponte summary judgment, and read[ ] the record in the light most hospitable to the targeted party." Id. at 30. Because the district court did not give "the plaintiff a **meaningful opportunity to** cull the best evidence supporting his position, and to present that evidence," the First Circuit held that it **"need go no further" in its review, vacating and remanding the case for further proceedings.** Id. at 30-31.

No. _____

In The

Supreme Court of the United States

BOBBY KNIGHT, a/k/a Bobby Knight, III,

Petitioner,

v.

JEH CHARLES JOHNSON, DHS SEC. *et al.*,

Respondents.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit

SUPPLEMENTAL APPENDIX (s.a.)

TO PETITION FOR WRIT OF CERTIORARI

Bobby Knight, pro se
3940 Hottinger Ave., North Charleston, S.C.
29405
(843) 735-0814

INDEX

SUPPLEMENTAL APPENDIX (s.a.)

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Bobby Knight,

Plaintiff, No. 2:15-cv-03199-DCN

v.

Jeh Charles Johnson, *Department of Homeland Security Secretary, et al.*,

Defendants.

2:15-cv-03199-DCN

ORDER

This matter is before the Court upon Bobby Knight's ("Knight") motion entitled "Plaintiff's FRCP 60 & FLC/Brief Motion & Notice of." ECF. No. 203. For the reasons set forth herein, the court denies Knight's motion.

This case has a long history, beginning back in 2015, that need not be repeated here in totality. Knight initially filed this action solely as a qui tam action. ECF No. 1. Subsequent to a hearing held on October 9, 2015, Magistrate Judge Mary Gordon Baker recommended–on January 5, 2016–that Knight's case be dismissed

without prejudice, because Knight cannot proceed pro se on a qui tam claim. ECF. No. 27. On January 4, 2016, the day before this Report and Recommendation ("R&R") was issued, Knight filed an Amended Complaint. ECF. No. 26.

In addition to his qui tam claim, Knight's Amended Complaint appears to contain claims pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1985(3), and 31 U.S.C. § 3730(h). ECF. No. 26. These additional claims arose out of a "Disciplinary Action" by the "South Carolina Contractor's Board" against Knight. ECF. No. 26 at 3. Knight alleges this "Disciplinary Action" against him was in retaliation for his qui tam action. Id. at 3–4. Knight was given an extension of time to file objections to the R&R dated January 5, 2016, such that his objections were due by April 1, 2016. ECF. Nos. 31, 35. Instead of

filing objections,{FN1} on March 22, 2016, Knight filed a Motion to Stay and Motion to

Amend. ECF. No. 38.

In an Order dated October 27, 2016, Magistrate Judge Baker granted Knight's Motion to Amend; ordered that his Second Amended Complaint be docketed by the Clerk;

and unsealed the case. ECF. Nos. 92, 94. In that same filing, Judge Baker recommended granting the United States' Motion to Dismiss "Count VI" of the Second Amended Complaint and sua sponte dismissing Knight's qui tam claim. ECF. No. 92.{FN2} The clerk docketed Plaintiff's Second Amended Complaint in accordance with Judge Baker's instructions. ECF. No. 94. On November 21, 2016, the court adopted Judge Baker's R&R dated October 27, 2016; accordingly, Knight's qui tam claim was dismissed as of November 21, 2016. ECF. No. 107.

On December 21, 2016, Defendants Chenega Security, Inc. and John Thorpe filed an Answer. ECF. No. 110. Between January 11, 2017 and January 19, 2017, Defendants Atlantic Electric LLC, Michael Richardson, George Skip Aldrich, Michael Glazier, Jeh Charles Johnson, Robert J. Papp, Jr., South Carolina State Department of Labor Licensing and Regulation, Lewis M. Caswell, James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, Legrande Richardson, Jr., W. Franklin Walker, and Nikki R. Haley filed dispositive motions. ECF. Nos. 125, 129, 134, 135, 136. On or about February 14, 2017, Plaintiff filed a Motion for Summary Judgment. ECF. No. 149.

On July 7, 2017, Magistrate Judge Baker issued an R&R recommending granting the dispositive motions filed by Defendants Atlantic

Electric LLC, Michael Richardson, George Skip Aldrich, Michael Glazier, Jeh Charles Johnson, Robert J. Papp, Jr., South

---

1 The R&R of January 5, 2016, was vacated on October 27, 2016. ECF. Nos. 27, 91.

2 The R&R contained a typographical error; it referred to "Count VI" of the Second Amended Complaint, when the United States sought to dismiss—and the Magistrate Judge analyzed—"Count IV" of the Second Amended Complaint. ECF. Nos. 71, 92.) Because the Report and Recommendation erroneously referred to "Count VI," the Order on the Report and Recommendation did the same. See ECF. No. 107; see also ECF. No. 92. The portion of Plaintiff's Second Amended Complaint that was dismissed was Plaintiff's request for a special prosecutor. See ECF. No. 92 at 11-12, ECF. No. 107.

Carolina State Department of Labor Licensing and Regulation, Lewis M. Caswell, James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, Legrande Richardson, Jr., W. Franklin Walker, and Nikki R. Haley. ECF. No. 179. She also recommended denying Knight's Motion for Summary Judgment. ECF. No. 179. On August

10, 2017, the court adopted that recommendation, {FN3} denying the Knight's Motion for Summary Judgment and granting the dispositive motions filed by Defendants Atlantic Electric LLC, Michael Richardson, George Skip Aldrich, Michael Glazier, Jeh Charles Johnson, Robert J. Papp, Jr., South Carolina State Department of Labor Licensing and Regulation, Lewis M. Caswell, James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, Legrande Richardson, Jr., W. Franklin Walker, and Nikki R. Haley. ECF. No. 186.

On August 15, 2017, Knight filed a Motion to Reconsider the court's Order of August 10, 2017; that motion was denied on September 13, 2017. ECF. Nos. 189, 194. On October 2, 2017, he filed another Motion for Reconsideration, which was denied on October 6, 2017. ECF. Nos. 199, 201. On or about October 10, 2017, Knight filed the instant motion entitled "Plaintiff's FRCP 60 & FLC/Brief Motion & Notice of." ECF. No. 203.

Knight's motion is, like many of his filings, difficult to understand. He states:

> The District Court CAN use the Federal Law Center (FLC) Nonprisoner Case Management to perform the following tasks in the best interest of justice and to GRANT Plaintiff Knight his Right as a Citizen to Redress his Grievances to the federal government by NOT DENYING Access to the Courts.

a. TO: REDACT all previous Court's Orders and to re-litigate the Plaintiff's pleadings as filed as there was more options than those previously Ordered to obtain an attorney; and
b. TO: Appoint Plaintiff Knight a *volunteer pro bono attorney* as there are material facts and evidence provided the Court as required of a Qui Tam Whistleblower case; and

---

3 Although not in accordance with the Magistrate Judge's recommendation, the undersigned also dismissed Legrande Richardson as a defendant. (ECF. No. 186.)

c. TO: Grant Plaintiff Knight a Court Order directed to and instructing the appointed volunteer pro bono attorney to perform in an *unbound representation capacity* . . . to include, his/her being able to be awarded all costs and attorney fees; and
d. TO: Clarify that the term "pro se" in Black's dictionary is a Latin term meaning "on one's own behalf" . . . a Court Administration hired Pro Se Lawyer acting like a *Ghostwriter* who anonymously and even unknown to EACH INDIVIDUAL OF the Court's pro se filers, this Lawyer acts and

> bundles ALL pro se litigants into one Class--and by doing so in secret without an appearances crosses the ethical and procedural boundaries set by Congress and the Courts by presidents have limited on true pro se's. See U.S. § 1927.

ECF. No. 203 at 2–5 of 6 (footnote omitted).

To the extent Knight is requesting that counsel be appointed for him, that request is denied. The court has discretion to appoint counsel for an indigent in a civil action. 28 U.S.C. § 1915(e); Smith v. Blackledge, 451 F.2d 1201, 1203 (4th Cir. 1971). Here, there is nothing indicating that Plaintiff is indigent, as he is not proceeding in forma pauperis. See Receipt No. SCX200012658 (DSC); ECF. No. 1. Additionally, "[t]here is not a constitutional right to appointed counsel in a civil case." Lyles v. Signal, 122 F.3d 1061 (4th Cir. 1997) (unpublished table decision); see also Underwood v. Beavers, 711 F. App'x 122, 123 (4th Cir. 2017) (unpublished table decision) ("[C]ivil litigants have no constitutional right to counsel. . . ."), Lavado v. Keohane, 992 F.2d 601, 605–06 (6th Cir. 1993) ("Appointment of counsel in a civil case is not a constitutional right."). Specifically, "[t]here is no statutory or case law authority for the appointment of counsel at public expense in a qui tam action." U.S. ex rel. Schwartz v. TRW Inc., 118 F. Supp. 2d 991, 996 (C.D. Cal. 2000). However, the court may appoint counsel when exceptional circumstances exist.

Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). The Fourth Circuit has stated that the existence of exceptional circumstances "will turn on the quality of two basic factors–the type and complexity of the case, and the abilities of the individuals bringing it." Brock v. City of Richmond, 983 F.2d 1055 (4th Cir. 1993) (unpublished table decision). "To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to

articulate the claims pro se in light of the complexity of the legal issues involved."

Williams v. Dep't of Corr., 2013 WL 3305485, at *2 (W.D. Wash., 2013).

Here, the appointment of counsel is not warranted. Knight is fully able to litigate—and in fact has litigated—his own claims, but he seeks the appointment of counsel because he is unable to proceed pro se on his qui tam claim. Knight, however, lacks a personal interest in a qui tam claim. As there are no exceptional circumstances in the case here, the court denies Knight's request for the appointment of counsel.

To the extent Knight seeks relief pursuant to Rule 60 of the Federal Rules of Civil

Procedure, the undersigned discerns no basis for such relief. Rule 60 provides, in relevant part:

> (a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.
>
> (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative 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; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
>
> (6) any other reason that justifies relief.

Fed. R. Civ. P. 60.

Although Knight cites to Rule 60 of the Federal Rules of Civil Procedure, it is not clear whether he seeks relief pursuant to Rule 60(a) or Rule 60(b). Rule 60(a) applies when "the court intended one thing but by merely clerical mistake or oversight did another." Dura-Wood Treating Co. v. Century Forest Indus., Inc., 694 F.2d 112, 114 (5th Cir. 1982). The key difference between Rule 60(a) clerical mistakes and others is that

> the former consist of blunders in execution whereas the latter consists of instances where the court changes its mind, either because it made a legal or factual mistake in making its original determination, or

> because on second thought it has decided to exercise its discretion in a manner different from the way it was exercised in the original determination.

Rhodes v. Hartford Fire Ins. Co., 548 F. App'x 857, 859–60 (4th Cir., 2013). To the extent Knight seeks relief pursuant to Rule 60(a), he has not identified a clerical mistake or mistake arising from oversight or omission and is therefore not entitled to relief pursuant to Rule 60(a).

To the extent Knight seeks relief pursuant to Rule 60(b), the court likewise concludes he is entitled to no relief. Knight has not set forth any facts or argument to bring his motion within the purview of Rule 60(b)(1), Rule 60(b)(2), Rule 60(b)(3), Rule 60(b)(4), or Rule 60(b)(5). He may be seeking relief pursuant to Rule 60(b)(6), but "to be entitled to Rule 60(b)(6) relief, the movant must demonstrate 'extraordinary circumstances.'" Aikens v. Ingram, 652 F.3d 496, 510 (4th Cir. 2011) (quoting Valero Terrestrial Corp. v. Paige, 211 F.3d 112, 118 n.2 (4th Cir. 2000)). Knight has not set forth any exceptional circumstances; instead, it appears he simply wishes to "re-litigate" matters already decided. ECF. No. 203 at 4. Plaintiff is therefore not entitled to relief pursuant to Rule 60(b). See United States v. Williams, 674 F.2d 310, 313 (4th Cir. 1982) ("Where the motion is nothing more than a request that the district court change its

mind, . . . it is not authorized by Rule 60(b).").

CONCLUSION

For the foregoing reasons, the court DENIES Knight's motion.

AND IT IS SO ORDERED.

S/_____
DAVID C. NORTON
UNITED STATES DISTRICT JUDGE
May 22, 2018
Charleston, South Carolina