

APPENDIX

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CALVIN B. JAMES,

Plaintiff,

v.

U.S. MARSHALS,

Defendant.

CASE NO. CV419-287

O R D E R

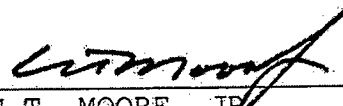
Before the Court is Plaintiff Calvin B. James's second Motion for Relief from Judgment/Order. (Doc. 14.) On November 1, 2019, Plaintiff brought this action under 28 U.S.C. § 1331, alleging the U.S. Marshals violated his constitutional rights. (Doc. 1 at 1, 3.) On March 23, 2021, this Court adopted the Magistrate Judge's Report and Recommendation and dismissed Plaintiff's complaint. (Doc. 10.) Plaintiff then brought a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) (Doc. 12), which this Court denied on March 21, 2021 (Doc. 13).

In his present motion, Plaintiff again seeks relief from the Court's order dismissing Plaintiff's complaint. (Doc. 14 at 1-2.) Plaintiff claims that relief is warranted pursuant to Rule 60(b) (3) because the Magistrate "Judge applied malicious intent abusing his discretionary power" when he asserted that Plaintiff had not returned the forms required to proceed in forma pauperis. (Id. at 1.) Despite Plaintiff's contention, the Court has reviewed

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the record and finds no evidence that Plaintiff returned the forms requested by the Magistrate Judge. Plaintiff also claims he was never forwarded the Magistrate Judge's order granting his motion to proceed IFP. (Id.) According to the Court's docket, the clerk's office mailed Plaintiff a copy of the Magistrate Judge's order on September 18, 2020, well before the Magistrate Judge issued his report and recommendation. Because Plaintiff has not stated any meritorious grounds for relief under Rule 60(b)(3), Plaintiff's motion for relief from judgment/order (Doc. 14) is **DENIED**.¹

SO ORDERED this 13th day of May 2021.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ As in his previous Rule 60(b) motion, Plaintiff argues that the Magistrate Judge abused his discretion by failing to respond to Plaintiff's motion to proceed IFP in a timely manner. (Doc. 14 at 2.) The Court rejects this argument for the reasons stated in its prior order. (Doc. 13 at 2.)