

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN D. DEANE,
Plaintiff,

v.

NAVY FEDERAL CREDIT UNION,
Defendant.

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3:12-cv-00917-WWE

**MEMORANDUM OF DECISION ON PLAINTIFF'S MOTION FOR RELIEF FROM
JUDGMENT**

Plaintiff failed to attend the January 22, 2013 telephone conference and the May 21, 2013 settlement conference set by Magistrate Fitzsimmons despite that the Court first notified plaintiff of the settlement conference back on March 28, 2013, and reminded him again on May 15, 2013.

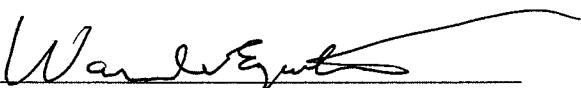
On July 22, 2013, the Court granted defendant's motion for sanctions and closed the case for failure to prosecute, with leave to reopen after plaintiff has made full payment to defendant for the awarded sanctions.

Plaintiff has now moved for relief from judgment pursuant to Rule 60(b), arguing that he "spent the last three months in an extremely difficult position due to the physical abuse and subsequent restraining order against the Plaintiff's ex-wife, the hospitalization of the Plaintiff due to a nervous breakdown, and the hospitalization of the Plaintiff due to emergency surgery." Based on his difficult position, plaintiff requests that the Court relieve him from any and all rulings made from May 1, 2013, to August 14, 2013, during which period plaintiff himself filed a motion to compel.

Plaintiff has not substantiated his neglect. He neither provided an affidavit nor proffered any other evidence of his extremely difficult position - such as court or hospital records. Moreover, plaintiff does not explain how his difficulties prevented him from alerting the Court

and defendant of his inability to attend the May 21, 2013 settlement conference, for which defendant's counsel traveled interstate. Without such evidence, the Court cannot find that plaintiff deserves relief from the July 22 order. Accordingly, plaintiff's motion for relief is DENIED without prejudice. He may still move to reopen the case after full payment to defendant has been made.

Dated this 30th day of August, 2013, at Bridgeport, Connecticut.



WARREN W. EGINTON
SENIOR UNITED STATES DISTRICT JUDGE