

Under Rule 60(b)(6), which allows a court to alter or provide relief from a final order “upon such

terms as are just,” for any “reason justifying relief from the operation of the judgment.” Fed. R. Civ. P. 60(b)(6). A motion under Rule 60(b)(6), however, should only be used in “extraordinary circumstances.” *Pioneer Investment Serv. Co. v. Brunswick Assoc. Limited Partnership*, 507 U.S. 380, 393 (1993); *see also, Kramer v. Gates*, 481 F.3d 788, 792 (D.C. Cir. 2007) (stating that the remedy should be “sparingly used”). The gist of plaintiff’s motion is that the court was wrong on the law and should not have dismissed his complaint. Plaintiff’s motion, however, offers no argument that is availing, and provides no basis for providing relief from the judgment. Accordingly, plaintiff’s motion, considered as one under Rule 60(b)(6), will be denied.

Plaintiff has also moved for an extension of time to notice an appeal in the event that his motion for reconsideration is denied. Because the United States is a party to this case, the plaintiff has 60 days from the entry of judgment, on February 10, 2009, to notice an appeal. *See* Fed. R. App. P. 4(a)(1)(B). Plaintiff’s motion for an extension of time was received by the Clerk’s office on March 19, 2009, well within the 60 days allowed for noticing an appeal. Because an extension of time is unnecessary, the motion will be denied as moot and the Clerk will be directed to notice plaintiff’s appeal.

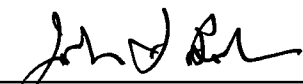
Accordingly, it is hereby

ORDERED that the plaintiff’s motion under Rule 59(e) or Rule 60(b)(6) is DENIED. It is further

ORDERED that the plaintiff’s motion to extend the period to notice an appeal is DENIED as moot. It is further

ORDERED that the Clerk is DIRECTED to notice plaintiff’s appeal.

Date: April 10, 2009


United States District Judge