

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RANDY PAUL and
WILLIAM D. CONWAY,

Plaintiffs,

v.

MANUFACTURER'S ASSET GROUP, LLC
and RAYMOND L. LEONARD,

Defendants.

ORDER

04-C-769-C

Plaintiffs Randy Paul and William Conway have filed a motion under Fed. R. Civ. P. 60(b)(4) seeking to vacate the order entered by this court on March 9, 2005 dismissing this case with prejudice. Plaintiffs argue that the court erred in concluding that their claim was barred by the doctrine of *res judicata*. Legal error is not a proper ground for relief under Fed. R. Civ. P. 60(b). Gleash v. Yuswak, 308 F.3d 758, 761 (7th Cir. 2002). It is a proper ground for relief under Fed. R. Civ. P. 59, a provision allowing a district court to correct its own errors, sparing the parties and appellate courts the burden of unnecessary appellate proceedings. Charles v. Daley, 799 F.2d 343, 348 (7th Cir. 1986).

I could construe plaintiffs' motion as one brought under Rule 59 had it been filed

within ten days of the entry of judgment. Fed. R. Civ. P. 6(a), 59(b). However, plaintiffs did not file in time to meet this deadline. Because they filed their motion on March 31, 2005, eight days after their March 23, 2005 deadline, they are barred from raising their assertions that errors of law have been made. United States v. Griffin, 782 F.2d 1393 (7th Cir. 1986).

ORDER

IT IS ORDERED that plaintiffs' motion to vacate the judgment entered in this case on March 9, 2005 is DENIED as untimely.

Entered this 18th day of April, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge