

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW C. POLSON,

Defendant.

ORDER

01-cr-53-jcs
08-cv-576-bbc

Defendant Andrew Polson has filed a motion pursuant to Fed. R. Civ. P. 60(b), asking for relief from the judgment entered herein on November 18, 2008, denying his motion for relief under 28 U.S.C. § 2255 as untimely.

Rule 60(b) allows relief from judgment in certain limited circumstances: (1) mistake; (2) newly discovered evidence; (3) fraud or misrepresentation by an adverse party; (4) discovery that the judgment entered is void (such as when the court rendering the judgment lacked subject matter jurisdiction) (5) satisfaction of judgment or (6) for “any other reason justifying relief from the operation of the judgment.”

Nothing in defendant’s motion persuades me that I erred in deciding that it is too late

for him to challenge the voluntariness of his plea. His motion is simply a rehash of the arguments he raised in support of his § 2255 motion. Therefore, his Rule 60(b) motion has no merit and will be denied.

ORDER

IT IS ORDERED that defendant Andrew Polson's motion for Rule 60(b) relief is DENIED.

Entered this 26th day of January, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge