

SEP 30 2009

By:  James N. Harrison, Clerk
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHARON BRIDGEWATER,	::	CIVIL ACTION NO.
Petitioner,	::	1:08-CV-2971-ODE
	::	
v.	::	
	::	
STATE OF GEORGIA, COUNTY OF	::	HABEAS CORPUS
GWINNETT,	::	28 U.S.C. § 2254
Respondent.	::	

ORDER

Now before the Court are Ms. Bridgewater's two motions to reopen her habeas corpus action, which motions she filed on August 10, 2009 [Doc. 6] and September 9, 2009 [Doc. 8]. Previously, on December 17, 2008, this Court had dismissed Ms. Bridgewater's original habeas corpus petition without prejudice [Doc. 3] because she had not complied with the Court's previous Order [Doc. 2].

A party may seek relief from a judgment under either Fed. R. Civ. P. 59(e) or Fed. R. Civ. P. 60(b). To fall within the purview of Rule 59(e), a "motion to alter or amend a judgment shall be filed no later than 10 days after entry of the judgment." Fed. R. Civ. P. 59(e). Because Movant missed this ten-day deadline, her motions to reopen are governed by Rule 60(b). See Mahone v. Ray, 326 F.3d 1176, 1177 n.1 (11th Cir. 2003). A Rule 60(b) movant "must demonstrate a justification for relief so

compelling that the district court [is] *required* to grant [her] motion.” Rice v. Ford Motor Co., 88 F.3d 914, 919 (11th Cir. 1996). A Rule 60(b) motion is committed to the sound discretion of the district judge. See Am. Bankers Ins. Co. of Florida v. Northwestern Nat’l Ins. Co., 198 F.3d 1332, 1338 (11th Cir. 1999).

The Court takes judicial notice that on August 4, 2009, Ms. Bridgewater filed a habeas corpus action, Bridgewater v. Gwinnett County, No. 1:09-CV-2131 (N.D. Ga.), virtually identical to this one, in which she challenges the same Gwinnett County traffic convictions that she seeks to challenge here. That case is still pending before this Court. Therefore, because reopening this habeas corpus action would serve no useful purpose, inasmuch as Ms. Bridgewater cannot prosecute two habeas corpus actions simultaneously with respect to the same state court convictions, the Court does not discern “a justification . . . [sufficiently] compelling” to warrant Rule 60(b) relief. See Rice, 88 F.3d at 919. Accordingly, Ms. Bridgewater’s motions to reopen [Docs. 6, 8] are **DENIED**.

IT IS SO ORDERED, this 30 day of Sept, 2009.



ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE