

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ROGER G. CANUPP, JACOB MYERS,
LAWRENCE MCGEE, HUBERT
DAVIDSON, TYWAUN JACKSON,
CHARLES DURDEN,

Plaintiffs,

v.

CASE NO. 2:04-cv-260-FtM-99-DNF

GEORGE SHELDON, SECRETARY OF THE
DEPARTMENT OF CHILDREN AND
FAMILIES,

Defendant.

_____ /

ORDER

This matter comes before the Court upon review of the Motion for Reconsideration (Doc. #226, Motion Reconsideration), filed on March 11, 2009, and a “Request for Motion to Intervene (Doc. #227), filed by resident Roosevelt Reed on March 12, 2009.

By way of background, this case is a class action consisting of residents from the Florida Civil Commitment Center (hereinafter “FCCC”) as the plaintiffs, who are represented by counsel from the Southern Legal Counsel, Inc., and Florida Institutional Legal Services, Inc. See generally docket history. Certain FCCC residents, who may or may not be a part of the class of plaintiffs, filed the motion *sub judice* requesting that the

Court reconsider its January 9, 2009 Order (Doc. #222) denying their Motion to Intervene. Similar to their Motion to Intervene, counsel for plaintiffs did not file the motion *sub judice*. The residents state that they did not receive the Court's January 9, 2009 Order of denial until March 4, 2009. Motion Reconsideration at 2. In support of their Motion for Reconsideration, *inter alia*, the residents assert that counsel for plaintiffs "erroneously concludes that 'Plaintiffs' lack sufficient information to support a request for judicial intervention regarding the FCCC residents move to the New Facility.'" Id.

The Court construes the motion as filed pursuant to Rule 60, Federal Rules of Civil Procedure, which provides for relief from "final judgment, **order**, or proceeding." See generally Fed. R. Civ. P. 60 (emphasis added). "Motions under this rule are directed to the sound discretion of the district court." Chapman v. A1 Transport, 229 F.3d 1012, 1023-24 (11th Cir. 2000). The Court reaffirms its January 9, 2009 Order. The class of plaintiffs in this action are represented by counsel and the Court will not continue to entertain *pro se* motions in this case. Moreover, the matters raised by the FCCC residents are unrelated to the matter litigated in this case. For these reasons, the Court also denies resident Reed's recently filed motion to intervene.

THEREFORE, it is now **ORDERED AND ADJUDGED**:

- 1) The Motion for Reconsideration (Doc. #226) is **DENIED**.
- 2) Resident Roosevelt Reed's "Request for Motion to Intervene (Doc. #227) is **DENIED**.

DONE AND ORDERED in Tampa, Florida, on March 16, 2009.

s/Richard A. Lazzara _____
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel/Parties of Record

SA: alj