

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-4517

STEVEN C. THOMPSON,
Appellant

vs.

EVA'S VILLAGE AND SHELTERING PROGRAM; DERRICK WILLIAMS,
Individually; GREGORY ANDERSON, Individually; GLORY PEREZ, Individually;
ANTHONY MCCANTS, Individually; BRYANT JENKINS, Individually; GREATER
PATERSON AREA, INC., et al.; WORLD SERVICE ORGANIZATION, INC., et al.;
NARCOTICS ANONYMOUS WORLD SERVICES, INC.

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil No. 04-2548)
District Judge: Honorable Joel A. Pisano

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
March 31, 2009
Before: SCIRICA, Chief Judge, WEIS and GARTH Circuit Judges
(Opinion filed : April 15, 2009)

OPINION

PER CURIAM.

Steven C. Thompson appeals pro se from an order of the United States

District Court for the District of New Jersey denying his motion for relief under Fed. R. Civ. P. 60(b). Because this appeal presents no substantial question, we will summarily affirm.

On June 6, 2004, Thompson filed a complaint alleging numerous state and federal claims against defendants based on their alleged acts of barring him from Narcotics Anonymous meetings due to his religious beliefs. The District Court granted summary judgment to the defendants on February 24, 2006, and Thompson appealed.¹ On August 26, 2008, Thompson filed a motion to reopen the case under Rule 60(b), Fed. R. Civ. P., and the District Court denied his motion as untimely and for failure to comply with the substantive requirements of Rule 60(b). Thompson appealed from the order denying his motion to reopen, and only that order of the District Court is before us.

We have jurisdiction under 28 U.S.C. § 1291. Fed. R. Civ. P. 60(b) provides that a court may relieve a party from a final judgment or order for, among other reasons: mistake, newly discovered evidence or fraud by an opposing party. Rule 60(c) requires that such a motion based on any of these three reasons be made within a reasonable time, and in any event, no more than one year after the entry of the judgment or order in question. Thompson argues that this case should be reopened because the District Court's order granting summary judgment to defendants was procured by fraud.

¹ Thompson's appeal from the District Court's order granting summary judgment was docketed at C.A. No. 06-1804. This Court affirmed the District Court's order and denied Thompson's petition for en banc rehearing.

However, as the District Court noted, Thompson filed his motion to reopen more than two years after that order was entered. Accordingly, Thompson's motion is untimely.²

We will summarily affirm. Thompson's motion to show cause, seeking a stay of all proceedings, is denied.

² An appeal does not toll the time period within which Thompson was required to file his motion. Moolenaar v. Gov't of Virgin Islands, 822 F.2d 1342, 1346 n.5 (3d Cir. 1987). We also reject Thompson's argument that there is no time limit on our "equitable" power to review a judgment procured by fraud.