

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

Case No. 89-1598-SAC

RAYMOND J. AND ALMA VAN SKIVER,
et al.,

Defendants.

MEMORANDUM AND ORDER

The *pro se* defendants come once again before the court having filed a “Petition for Review and for Reimbursement for trial by jury and Rejection of Theft by False Pretext.” (Dk. 57). Though the judgment in this case was entered over a decade ago, the defendants periodically file pleadings restating the same frivolous arguments that have been repeatedly rejected. In the latest filing, the defendants offer the same hackneyed refrain that the quitclaim deeds are null and void because they were denied their constitutional right to a jury trial and because the Internal Revenue Service is not a lawful governmental organ and did not act lawfully in executing the quitclaim deeds.

The defendant’s filing was docketed as motion filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. The district court retains substantial discretion “to grant relief as justice requires under Rule 60(b), yet such relief is

extraordinary and may only be granted in exceptional circumstances.” *Servants of Paraclete v. Does*, 204 F.3d 1005, 1009 (10th Cir. 2000). “A litigant shows exceptional circumstances by satisfying one or more of Rule 60(b)'s six grounds.” *Van Skiver v. United States*, 952 F.2d 1241, 1243-44 (10th Cir. 1991), *cert. denied*, 506 U.S. 828 (1992). Rather than arguing any cognizable ground for relief under Rule 60(b), the defendants’ current motion simply restates the same tired arguments already rejected as frivolous in prior orders. The defendants’ motion fails to present any new plausible argument showing the prior orders and judgment to be either factually or legally erroneous.

IT IS THEREFORE ORDERED that the defendants are denied all relief requested in their petition (Dk. 57).

Dated this 6th day of September, 2005, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge