

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**FLORDELIZA A. HAWKINS,**

**Plaintiff,**

**Case No. J:21-cv-10764**

**HON. DENISE PAGE HOOD**

**v.**

**CLAIMS ADMINISTRATOR OF THE  
SETTLEMENT FACILITY, et al.,**

**Defendants.**

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**ORDER DENYING MOTIONS TO NULLIFY**

This matter is before the Court on Plaintiff Flordeliza A. Hawkins' Motions to Nullify Judgment and Reason. (ECF Nos. 74, 77)

On October 19, 2021, the Court entered a Judgment and Order Granting Motions to Dismiss filed by Defendants and Dismissing Plaintiff's Complaint. (ECF Nos. 46 and 45) Plaintiff filed a Notice of Appeal on January 4, 2022. (ECF No. 47) On February 10, 2022, The Sixth Circuit Court of Appeals dismissed Plaintiff's appeal because she failed to file a timely notice of appeal which deprived the Sixth Circuit of jurisdiction. (ECF No. 50) The Sixth Circuit stated that compliance with the statutory deadline is a jurisdictional prerequisite that may not be waived. *Id.* The statutory provisions permitting the district court to extend or reopen the time to file a notice appeal do not apply. *Id.*

The Sixth Circuit entered another order on July 25, 2022, that Hawkins' Rule 59(e) motion before the district court was filed out of time and that the appeal was dismissed for lack of appellate jurisdiction. (ECF No. 64) Hawkins' petition for rehearing was also denied by the Sixth Circuit on September 15, 2022. (ECF No. 65) The Sixth Circuit issued another order and judgment on June 22, 2023, affirming the district court's order denying Hawkins' Motion to Enforce Judgment noting that the time for filing the motion under 28 U.S.C. § 2107(c) was untimely and that the time period for filing under such was to be strictly applied. (ECF Nos. 81, 82) On July 13, 2023, the Sixth Circuit denied Hawkins' petitions to rehear its June 22, 2023 order. (ECF No. 83) A mandate issued on July 21, 2023. (ECF No. 84)

This Court, affirmed by the Sixth Circuit, has previously denied Hawkins' post-judgment motions construed under Rules 59(e) and 60(b). (ECF Nos. 56, 72) The Sixth Circuit expressly noted that the time limits under 28 U.S.C. § 2107(c) was to be strictly applied. Given that this Court previously denied Hawkins' motions under Rules 59(e) and 60(b), the Court will not reconsider its previous orders. Hawkins' Motions to Nullify the Judgment of the Court's previous orders are once again seeking to reconsider the dismissal of Hawkins' claims and the judgment entered against her. For the reasons set forth previously by this Court and by the Sixth Circuit, the Court denies Hawkins' motions.

Accordingly,

IT IS ORDERED that Plaintiff's Motions to Nullify the Judgment and Reason **(ECF Nos. 74, 77)** are **DENIED**. The case remains CLOSED.

IT IS FURTHER ORDERED that any appeal of this order would be frivolous and would not be taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997)(overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

S/DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge

DATED: September 29, 2023

### **CERTIFICATE OF SERVICE/MAILING**

I certify that a copy of this document was served on this date, by electronic or ordinary mail to all parties in interest.

S/Sarah Schoenherr  
Deputy Clerk  
(313) 234-5090