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DEPARTMENT OF LAW
NEW YORK CITY OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER,

Plaintiff,

No. 77-C-1447

- against -

ERNEST L. SIGMORELLI, ANTHONY
MASTROIANNI, VINCENT G. BERGER,
JR., JOHN P. FINNERTY, ALLEN
KROOS, ANTHONY WISNOSKI and
LEONARD J. PUGATCH,

Memorandum of Decision
and Order

Defendants.

-----x

November 8, 1977

A P P E A R A N C E S :

GEORGE SASSOWER, ESQ., Plaintiff Pro Se
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New Rochelle, New York 10804

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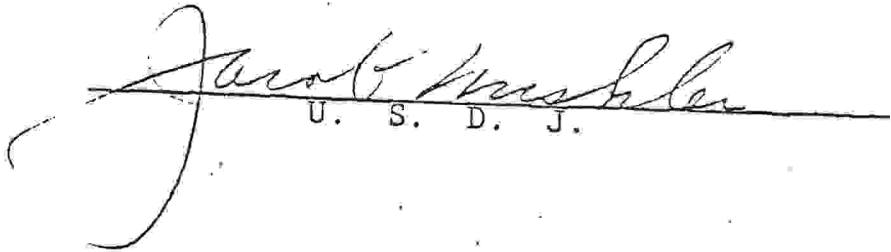
MISHLER, CH. J.

Plaintiff moves for an order to reargue^{/1} the motions that were before this court on September 2, 1977. These motions were granted and the complaint dismissed against the remaining defendants in a memorandum of decision and order that was filed on September 21, 1977. A notice of motion for reargument must be served within ten days after the filing of the court's determination of the original motion. Rule 9(m), General Rules of the United States District Courts for the Southern and Eastern Districts of New York. Since the instant notice of motion was filed on October 6, 1977 -- more than 10 days after September 21, 1977 -- plaintiff's motion has not been timely made. Even assuming arguendo that plaintiff had filed this motion within the requisite period, he has failed to allege a Rule 60(b) ground which justifies relief from a final judgment or order.

/1 Defendant Berger moved to dismiss the complaint under Rule 12(b)(6) of the F.R.Civ.P., and defendants Pugatch and Signorelli moved under Rule 12(c) of the F.R.Civ.P. for a judgment on the pleadings.

Plaintiff's motion for reargument is in all respects
denied,^{/2} and it is

SO ORDERED.


U. S. D. J.

^{/2} Defendant Berger's motion for an attorney's fee is denied. Plaintiff's §1983 claim does not fall within that class of civil rights actions for which Congress intended to award counsel fees. See Zarcone v. Perry, et al., No. 75-C-1619 (E.D.N.Y. Memorandum of Decision and Order, September 21, 1977).