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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY – CAMDEN VICINAGE

DEVON TYLER BARBER,  
*Plaintiff, pro se,*

Civil Action No. 22-06206 (KMW-EAP)

v

JOSEPH HARDEMON, JR., et al.,  
*Defendants.*

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AT 8:30 \_\_\_\_\_ M  
CLERK, U.S. DISTRICT COURT - DNJ

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**NOTICE OF MOTION TO REOPEN PURSUANT TO FED. R. CIV. P. 60(b)(6)**

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**MOTION TO REOPEN**

Plaintiff, proceeding pro se, respectfully moves this Court to reopen this matter.

1. This case was administratively terminated on **November 3, 2023**, and dismissed on **December 20, 2023**, for failure to update address under *D.N.J. L. Civ. R. 10.1(a)*.

2. At that time, Plaintiff was under probation supervision, intermittently incarcerated, and without stable housing, preventing reliable receipt of court mail.

3. The dismissal was purely procedural, not on the merits. Defendants were never served, and reopening causes no prejudice. Courts favor resolution on the merits. See *United States v. \$55,518.05 in U.S. Currency*, 728 F.2d 192, 194–95 (3d Cir. 1984).

4. **Timeliness under Rule 60(c)(1).** A motion under *Rule 60(b)* must be filed within a “reasonable time.” Plaintiff acts promptly upon learning of the dismissal and seeks relief under *Rule 60(b)(6)* due to extraordinary circumstances, including lack of notice during custody and the non-merits nature of the dismissal. See *Budget Blinds, Inc. v. White*, 536 F.3d 244, 255 (3d Cir. 2008).

5. Plaintiff also submits PCR filings and employment records showing reliance on **unreliable hearsay** while disregarding exculpatory work history—underscoring the need for adjudication on the merits.

dtb

**WHEREFORE, Plaintiff respectfully requests** that the Court (a) reopen this case; (b) accept the updated mailing address; (c) grant leave to file an Amended Complaint within thirty (30) days; and (d) upon any grant of *in forma pauperis* status, direct the United States Marshals Service to effect service pursuant to 28 U.S.C. § 1915(d) and *Fed. R. Civ. P.* 4(c)(3).

Respectfully submitted,

BY: ~~XTX~~ Devon Tyler A.R.R.  
/s/ Devon Tyler Barber, *Pro Se Plaintiff*

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Dated: August 27, 2025

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