

OCT 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>IVAN VON STAICH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CALIFORNIA DEPARTMENT OF CORRECTIONS; et al.,</p> <p>Defendants - Appellees.</p>

No. 09-15679

D.C. No. 4:04-cv-02799-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Ivan Von Staich, a California state prisoner, appeals pro se from the district court's order denying his motion to reconsider the voluntary dismissal of his action following a settlement agreement. We have jurisdiction under 28 U.S.C. § 1291.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

We review for an abuse of discretion. *Lehman v. United States*, 154 F.3d 1010, 1017 (9th Cir. 1998). We affirm.

The district court did not abuse its discretion by rejecting Von Staich's arguments concerning the validity and repudiation of the settlement agreement and concluding that Von Staich had not demonstrated any "extraordinary circumstances" warranting relief from judgment. *See id.* (the district court did not abuse its discretion by denying Rule 60(b)(6) relief after concluding there was no repudiation of the agreement); *see also United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993) (Rule 60(b)(6) is to be used "sparingly [and] as an equitable remedy to prevent manifest injustice").

We do not consider Von Staich's arguments that were not raised before the district court. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999).

Von Staich's remaining contentions are unpersuasive.

AFFIRMED.