

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL A. BRUZZONE,

No. 21-16108

Plaintiff-Appellant,

D.C. No. 3:14-cv-01279-WHA

v.

MEMORANDUM*

INTEL CORPORATION; ARM, INC.,

Defendants-Appellees,

and

EVANGELINA ALMIRANTERENA; et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Michael A. Bruzzone appeals pro se from the district court's order denying

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

his post-judgment motion in his action alleging claims arising from a previous qui tam action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a denial of a Federal Rule of Civil Procedure 60(b) motion. *Valdivia v. Schwarzenegger*, 599 F.3d 984, 988 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion in denying Bruzzone’s Rule 60(b) motion because Bruzzone presented no basis for post-judgment relief. *See* Fed. R. Civ. P. 60(b); *Feature Realty, Inc. v. City of Spokane*, 331 F.3d 1082, 1093 (9th Cir. 2003) (relief under Rule 60(b) is not warranted unless the moving party can show: (i) “newly discovered evidence” within the meaning of Rule 60(b); (ii) that, with the exercise of due diligence, could not have been discovered earlier; and (iii) that earlier production of which would have likely changed the disposition of the case).

We reject as meritless Bruzzone’s contentions that the district court was biased against him.

AFFIRMED.