

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2024

FOR THE NINTH CIRCUIT

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

ROGELIO MAY RUIZ,

Plaintiff-Appellant,

v.

J. OROZCO, Correctional Officer; N.  
HERNANDEZ, Correctional Officer,

Defendants-Appellees.

No. 23-15455

D.C. No. 1:19-cv-00048-AWI-GSA

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, District Judge, Presiding

Submitted April 22, 2024\*\*

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Rogelio May Ruiz appeals pro se from the district court's order denying his motion to reopen his 42 U.S.C. § 1983 action alleging federal and state law claims.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d

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\* 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).

1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion by denying Ruiz’s post-judgment motion to reopen because Ruiz failed to establish any grounds for relief, and it was filed more than a year after entry of the judgment. *See id.* at 1262-63 (setting forth grounds for relief under Rule 60(b)); *see also* Fed. R. Civ. P. 60(c)(1) (explaining that a Rule 60(b) motion must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after entry of the judgment).

We do not consider Ruiz’s contentions concerning the merits of the underlying case. *See Henson v. Fid. Nat’l Fin., Inc.*, 943 F.3d 434, 444 (9th Cir. 2019) (“[A]n appeal from the denial of a Rule 60(b) motion brings up for review only the denial of that motion, . . . not the underlying judgment.”)

All pending motions and requests are denied.

**AFFIRMED.**