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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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12 United States of America, )

13 Plaintiff/Respondent )

No. CV-99-1591-PHX-RCB (LOA)

14 vs. )

O R D E R

15 Castulo Soto-Valdez, )

16 Defendant/Movant. )

17

18 On February 17, 2012, Magistrate Judge Lawrence O.  
19 Anderson, issued a Report and Recommendation ("R & R")  
20 recommending denial of the "Motion for Relief from Judgment  
21 Under Rule 60(b)(6)" filed by movant *pro se* Castulo Soto-Valdez.  
22 R & R (Doc. 12) at 1:16. The movant timely filed objections.  
23 Thereafter, on July 16, 2012, the movant filed a "Motion to  
24 Supplement Pending Motion Under Rule 60(b)(6) with Recent  
25 Circuit Law" (Doc. 14) (emphasis omitted). More specifically,  
26 the movant is seeking to supplement his pending motion for  
27 relief under Fed.R.Civ.P. 60(b)(6), and have this court consider  
28 the Ninth Circuit Court of Appeals' recent decision in Mackey

1 v. Hoffman, 682 F.3d 1247 (9<sup>th</sup> Cir. June 25, 2012). Movant  
2 further claims, as he has previously, see Mot. (Doc. 11), that  
3 the Supreme Court's January 18, 2012, decision in Maples v.  
4 Thomas, \_\_\_ U.S. \_\_\_, 132 S.Ct. 912, 181 L.Ed.2d 807 (2012),  
5 also supports his motion for Rule 60(b)(6) relief. See Mot.  
6 (Doc. 14) at 1-2. Lastly, movant cites to another recent  
7 Supreme Court decision, decided after the issuance of the R &  
8 R herein, Martinez v. Ryan, \_\_\_ U.S. \_\_\_, 132 S.Ct. 1309, 182  
9 L.Ed.2d 272 (March 20, 2012), as supporting his claimed  
10 entitlement to relief under Rule 60(b)(6).

11 In light of the foregoing,

12 **IT IS HEREBY ORDERED** that:


13 (1) respondent, the United States of America, **shall** file a  
14 response to movant's Motion to Supplement (Doc. 14), addressing  
15 the recently decided cases referenced therein and there  
16 applicability, if any, to the issues presently before the court  
17 in movant's motion for relief under Fed.R.Civ.P. 60(b)(6);

18 (2) respondent's response **shall be filed no later than**  
19 **fifteen (15) days** from the date of entry of this order; and

20 (3) movant's reply, if any, **shall be filed no later than**  
21 **ten (10) days** from the date of entry and service of the  
22 response.

23 DATED this 27<sup>th</sup> day of July, 2012.

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\_\_\_\_\_  
Robert C. Broomfield  
Senior United States District Judge

Copies to counsel of record and defendant/movant *pro se*