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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Paul Melcher, et al.,

10 Plaintiffs,

11 v.

12 City of San Luis, et al.,

13 Defendants.

No. CV06-1235-PHX-DGC

ORDER

14 Defendants filed a motion on June 1, 2012, seeking to re-open this case for the
15 purpose of amending the judgment to add an award of costs. Doc. 151. The motion has
16 been fully briefed. Docs. 151, 156, 157. The Court will deny the motion as untimely.

17 Defendants bring their motion under Federal Rule of Civil Procedure 58(b)(1),
18 which governs the entry of judgments for costs. That rule does not provide for the re-
19 opening of judgments, and Defendants cite no case law suggesting that judgments can be
20 re-opened under Rule 58.

21 Rule 59 governs the amending of judgments, but it places a strict time limit on
22 motions seeking such relief. Rule 59(e) states that “[a] motion to alter or amend a
23 judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R.
24 Civ. P. 59(e). The Court cannot extend this time period. *See* Fed. R. Civ. P. 6(b)(2).
25 Defendants could have filed a motion within 28 days of the judgment on March 13, 2008,
26 noting that they had sought a recovery of costs and asking the Court to amend the
27 judgment to include any costs ultimately awarded. Doc. 122. Because Defendants’
28 failed to do so, their motion untimely.

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IT IS ORDERED that Defendants' motion to re-open the case is **denied**.

Dated this 6th day of August, 2012.



David G. Campbell
United States District Judge