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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Joao Cornelio,

10 Plaintiff,

11 v.

12 Intel Corporation,

13 Defendant.  
14

No. CV-08-00538-PHX-JAT

**ORDER**

15 Pending before the Court is Joao Cornelio's ("Plaintiff") Motion for Request for  
16 Explanation/Certification of Denial to Re-Open Case. (Doc. 59). The Court now rules on  
17 the motion.

18 On July 10, 2009, the Court granted Intel Corporation's ("Defendant") motion for  
19 summary judgment and entered judgment in favor of Defendant. (Doc. 43, 44). Over  
20 three years later, on October 18, 2012, Plaintiff filed a motion to re-open the case. (Doc.  
21 47). In an order dated September 17, 2013, the Court denied Plaintiff's motion to re-open  
22 because the Court had no jurisdiction to consider a motion under Federal Rule of Civil  
23 Procedure Rule 60 filed more than a year after entry of final judgment. (Doc. 58).

24 Plaintiff filed this motion on July 22, 2015. (Doc. 59). It is not clear, however,  
25 what Plaintiff's motion requests; it is captioned as a "request of explanation/clarification  
26 of denial to re-open case," but consists almost entirely of a recitation of the facts of the  
27 case and descriptions of newly discovered evidence. (*Id.*).

28 To the extent that Plaintiff's motion requests, as its caption suggests, clarification

1 of the Court's order refusing to re-open the case, the Court knows of no simpler way to  
2 put it that it did in that order: "[A] district court lacks jurisdiction to consider an untimely  
3 motion to vacate a judgment." (Doc. 58 at 2) (quoting *Burton v. Spokane Police Dep't*,  
4 517 F. App'x 554, 555 (9th Cir. 2013)).

5 To the extent that the motion is another request to re-open the case, it, like the  
6 previous motion to re-open, is denied as untimely. Regardless of the explanations  
7 Plaintiff gives for failing to obtain the new evidence, pursuant to Rule 60, the Court has  
8 no jurisdiction to even consider a motion to re-open that is filed over six years after final  
9 judgment was entered. Fed. R. Civ. P. 60(c)(1); *Burton*, 517 F. App'x at 555.

10 **III. CONCLUSION**

11 Based on the foregoing,

12 **IT IS ORDERED** that Plaintiff's Motion for Request for  
13 Explanation/Certification of Denial to Re-Open Case (Doc. 59) is **DENIED**.

14 Dated this 27th day of August, 2015.

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20 James A. Teilborg  
21 Senior United States District Judge  
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