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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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10 Martin R. Brown; Delaine M. Brown,)

No. CV-10-1919-PHX-FJM

11 Plaintiffs,)

ORDER

12 vs.)

13 Brian T. Moynihan, et al.,)

14 Defendants.)

15)

16)

17

18 The court has before it plaintiffs’ “motion to vacate the order dated November 19,
19 2010 for purposeful judicial impropriety [sic]; judicial bias; and judicial misconduct for
20 pecuniary gain” (doc. 26). We also have defendants’ joint response to the motion (doc. 27).

21 Along with baseless libel, plaintiffs’ motion reiterates arguments raised in their
22 complaint and in response to defendants’ motion to dismiss. We have considered each of
23 those arguments and rejected them. Construing the motion as one under Rule 59(e) or 60(b),
24 Fed. R. Civ. P. or LRCiv 7.2(g), plaintiffs have presented nothing that warrants setting aside
25 the final judgment entered on November 9, 2010 (doc. 25). We reject plaintiffs’ outrageous
26 allegations of judicial impropriety. If plaintiffs in good faith believe the court’s order of
27 November 9, 2010 (doc. 24) is erroneous, their remedy lies in a notice of appeal, not an *ad*
28 *hominem* attack on the court.

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IT IS ORDERED DENYING plaintiffs' motion to vacate (doc. 26).

DATED this 3rd day of December, 2010.

Frederick J. Martone

Frederick J. Martone
United States District Judge