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

Timothy Paul Olmos,
Petitioner,

vs.

Charles L. Ryan, et al.,
Respondents.

) No. CV 11-914-PHX-GMS (MEA)

) **ORDER**

_____)
Petitioner Timothy Paul Olmos, who is confined in the Arizona State Prison Complex-
Eyman, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 and
an Application to Proceed *In Forma Pauperis*. In a June 7, 2011 Order, the Court granted
the Application to Proceed and dismissed the Petition because Petitioner had proceedings still
pending in state court.

On June 16, 2011, Petitioner filed a Motion for Reconsideration (Doc. 8), which the
Court denied in a June 28, 2011 Order (Doc. 9). On July 21, 2011, Petitioner filed a “Motion
for Relief From a Judgment or Order Pursuant to Rule 60(b) FRCP” (Doc. 10). On August
3, 2011, Petitioner filed a “Motion for Leave to Supplement Rule 60(b) Motion” (Doc. 11).

Rule 60(b) of the Federal Rules of Civil Procedure provides:

On motion and just terms, the court may relieve a party or its legal
representative from a final judgment, order, or proceeding for the following
reasons:

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- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

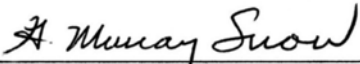
Federal Rule of Civil Procedure 60(b).

The Court has reviewed the Petition, the Order of dismissal, Petitioner’s Motion for Relief from Judgment, and Petitioner’s Supplement to Motion for Relief from Judgment. The Court finds no basis under Rule 60(b) to reconsider its dismissal of this action.

IT IS ORDERED:

- (1) Petitioner’s July 21, 2011 Motion for Relief from Judgment (Doc. 10) is **denied.**
- (2) Petitioner’s August 3, 2011 Motion for Leave to Supplement (Doc. 11) is **denied as moot.**

DATED this 31st day of August, 2011.



G. Murray Snow
United States District Judge