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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Lamar Simmons,

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No. CV 12-01148-PHX-FJM

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Petitioner,

)

ORDER

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vs.

)

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Charles L. Ryan et al.,

)

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Respondents.

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The court has before it Petitioner’s Motion for Relief from Judgment (Doc. 41), the Respondents’ Response (Doc. 44), and the Magistrate Judge’s Report and Recommendation (Doc. 45), to which no objections have been filed.

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The judgment from which relief is sought was entered over four years ago. The Magistrate Judge concluded that it was untimely under both Rule 60(b)(1) and 60(b)(6), Fed. R. Civ. P. Plaintiff fails to demonstrate how his motion could be construed as timely under the relevant Rule 60 standards. Accordingly, we accept the Recommendation of the Magistrate Judge (Doc. 45).

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It is therefore ORDERED DENYING Petitioner’s Motion for Relief from Judgment. (Doc. 41).

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DATED this 8th day of January, 2018.

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Frederick J. Martone

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Frederick J. Martone
Senior United States District Judge

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