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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Kenneth James Kanger,

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No. 07-CV-8094-PHX-PGR (MHB)

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Petitioner,

)

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v.

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**ORDER**

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Charles L. Ryan, et. al.,

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Respondents.

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Before the Court is Petitioner’s Motion for Relief from a Judgment/Order under Rule 60(b). (Doc. 110.) On November 4, 2008, this Court entered an order accepting and adopting Magistrate Judge Burns’s Report and Recommendation, which recommended that the Court deny and dismiss Petitioner’s Petition for Writ of Habeas Corpus. (Doc. 72.) This Court denied a certificate of appealability, as did the Ninth Circuit Court of Appeals. The appeal was terminated on November 12, 2009. (Doc. 92.) On February 25, 2011, Petitioner filed a Motion for Relief from a Judgment/Order under Rule 60(b) (Doc. 93), which the Court denied on September 19, 2011 (Doc. 97). On December 23, 2011, the Court of Appeals denied a certificate of appealability. (Doc. 108.) Petitioner filed the pending motion on September 24, 2012.

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Federal Rule of Civil Procedure 60(b) entitles the moving party to relief from judgment for the following reasons: mistake, inadvertence, surprise, or excusable neglect; newly discovered evidence; fraud, misrepresentation, or other misconduct of an adverse party; the judgment is void; the judgment has been satisfied, released, or discharged; or any other reason justifying relief from the operation of the judgment. *See* Fed. R. Civ. P. 60(b).

