

1 Pursuant to Rule 60(b), the court may relieve a party or a
2 party's legal representative from a final judgment, order or
3 proceeding for a variety of reasons: (1) mistake, inadvertence,
4 surprise or excusable neglect; (2) newly discovered evidence; (3)
5 fraud; (4) the judgment is void; (5) the judgment has been satisfied
6 released or discharged; and (6) "any other reason justifying relief
7 from the operation of the judgment". *Hamilton v. Newland*, 374 F.3d
8 822, 825 (9th Cir. 2004). Relief under Rule 60(b)(6) is only available
9 only in extraordinary circumstances. *Gonzalez v. Crosby*, 125 S.Ct.
10 2641, 2649 (2005). It is used only "sparingly and as an equitable
11 remedy to prevent manifest injustice." *Hamilton*, 374 F.3d at 825.

12 A review of the substance of the motion reveals that it simply re-
13 asserts the same arguments raised in Plaintiff's objections to the
14 Report and Recommendation of the United States Magistrate Judge, which
15 were previously rejected by the Court. Neither reconsideration nor
16 relief from judgment is warranted.

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18 Dated: July 29, 2009



Manuel L. Real
United States District Judge

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23 Presented by:



Marc L. Goldman
United States Magistrate Judge