

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

GEORGE N. ALLEN, et al.,

Plaintiff,

v.

STEPHEN MAYBERG, et al.,

Defendants.

(lead case)

Including the following member cases:

- 1:-07-CV-00427-BLW (Gonzales)
- 1:07-CV-00834-BLW (Amadeo)
- 1:07-CV-00849-BLW (Brown)
- 1:07-CV-00851-BLW (McNeal)
- 1:07-CV-00913-BLW (Smith)
- 1:07-CV-00985-BLW (Scott)
- 1:07-CV-01558-BLW (Carmony)
- 1:08-CV-01339-BLW (Robinson)
- 1:09-CV-01890-BLW (Rhoden)
- 1:09-CV-02153-BLW (Frazier)

Case No. 1:06-cv-01801-BLW-LMB
(consolidated cases)

ORDER

Plaintiff Lawtis Donald Rhoden has filed a Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure 60(b). Plaintiff Rhoden’s claims were previously dismissed from this consolidated action,¹ and on February 12, 2013, the Court

¹ The remaining Plaintiffs in this action are now proceeding separately under their individual case numbers. (See Dkt. 170.) Those cases were severed after Plaintiff filed the instant

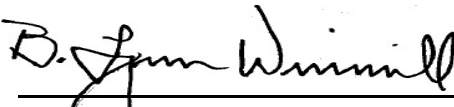
entered final judgment as to Plaintiff Rhoden's claims pursuant to Federal Rule of Civil Procedure 54(b). (Dkt. 135.)

Under Rule 60(b) of the Federal Rules of Civil Procedure, a court may grant a party relief from a final judgment for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b). The last catch-all provision should only be granted "sparingly as an equitable remedy to prevent manifest injustice." *United States v. Washington*, 98 F.3d 1159, 1163 (9th Cir. 1996) (internal quotation marks omitted).

Plaintiff Rhoden has not met this heavy burden. **Accordingly, IT IS HEREBY ORDERED** that Plaintiff Rhoden's Motion for Relief from Final Judgment (Dkt. 169) is **DENIED**.



DATED: **March 3, 2014**


Honorable B. Lynn Winmill
Chief U. S. District Judge

Motion. (*Id.*)

ORDER - 2