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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JANETTA SCONIERS,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES, et al.,
Defendants.

07-CV-00972 AWI-DLB
ORDER DENYING PLAINTIFF
JANETTA SCONIERS' MOTION
FOR NEW TRIAL,
AMENDMENT OF JUDGMENT
AND MOTION FOR
RECONSIDERATION
(Document #100)

On April 3, 2009, this Court dismissed Plaintiff Janetta Sconiers' ("Sconiers") entire action with prejudice and closed the case. See Doc. No. 92. On April 3, 2009, the Clerk of this Court entered a judgment in accordance with this Court's April 3, 2009 order. On April 14, 2009, Sconiers filed a notice of appeal as to the judgment with the Ninth Circuit Court of Appeals. On June 30, 2009, the Ninth Circuit Court of Appeals summarily affirmed this Court's judgment. See Doc. No. 97. On August 6, 2009, Sconiers filed a request with the Ninth Circuit to reinstate the appeal. On August 24, 2009, the Ninth Circuit issued an order that construed Sconiers' request as a motion for reconsideration of the Ninth Circuit's June 30, 2009 order and denied Sconiers' motion. On September 1, 2009, the Ninth Circuit issued a mandate, which held that the June 30, 2009 Ninth Circuit judgment took effect as of September 1, 2009. On October 7, 2009, Sconiers filed a motion to set aside this Court's April 3, 2009 judgment as void, a motion for new trial or amendment of judgment and a motion for reconsideration.

1 This Court will not set aside the April 3, 2009 judgment or reconsider the April 3, 2009
2 order because it has been summarily affirmed by the Ninth Circuit and a mandate has been
3 issued.¹ Here, it appears that the only colorable argument that Sconiers may have raised is that
4 this Court's April 3, 2009 order was void on the grounds that this Court lacked subject matter
5 jurisdiction. Sconiers, however, fails to show that this Court lacked subject matter jurisdiction.
6 Thus, Sconiers has failed to establish that the April 3, 2009 judgment is void. Moreover,
7 Sconiers did not raise the voidness issue before the Ninth Circuit.

8 Accordingly, this case remains closed. No further filings will be accepted in this case.
9

10 IT IS SO ORDERED.

11 **Dated:** October 15, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

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26 _____
27 ¹Sconiers' motion for a new trial is not applicable in this case, as Sconiers did not have a
28 jury trial or bench trial.