

1 under Rule 60(b) must be made within a reasonable time, and for reasons (1), (2), and (3), “no
2 more than a year after the entry of the judgment or order or the date of the proceeding.” Fed. R.
3 Civ. P. 60(c).

4 Relief under Rule 60 “is to be used sparingly as an equitable remedy to prevent manifest
5 injustice and is to be utilized only where extraordinary circumstances” exist. *Harvest v. Castro*,
6 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation omitted) (addressing
7 reconsideration under Rule 60(b)(1)–(5)). The moving party “must demonstrate both injury and
8 circumstances beyond his control.” *Id.* (internal quotation marks and citation omitted). Further,
9 Local Rule 230(j) requires, in relevant part, that in moving for reconsideration of an order
10 denying or granting a prior motion, a party must show “what new or different facts or
11 circumstances are claimed to exist which did not exist or were not shown” previously, “what
12 other grounds exist for the motion,” and “why the facts or circumstances were not shown” at the
13 time the substance of the order which is objected to was considered.

14 Here, petitioner fails to meet the requirements for granting a motion for reconsideration.
15 Petitioner has not shown mistake, inadvertence, surprise, or excusable neglect; he has not shown
16 the existence of either newly discovered evidence or fraud; he has not established that the
17 judgment is either void or satisfied; and he has not presented any other reasons justifying relief
18 from judgment. Moreover, pursuant to the Local Rules of this court, petitioner has not shown
19 “new or different facts or circumstances claimed to exist which did not exist or were not shown
20 upon such prior motion, or what other grounds exist for the motion.” Local Rule 230(j). The
21 arguments he presents in his motion for reconsideration are not new, novel, or based on new
22 developments; to the contrary, his arguments are the same as those already presented by him
23 which were previously considered and rejected by the court.

24 As noted, petitioner brings this motion for reconsideration nine years after entry of final
25 judgment. His only excuse for his delay in doing so is that he was unaware he could file a motion

26 ////

27 ////

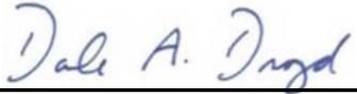
28 ////

1 for reconsideration under Rule 60(b). (Doc. No. 18 at 26.) Petitioner's explanation is inadequate
2 to justify a delay of nearly a decade.

3 Accordingly, petitioner's motion for reconsideration (Doc. 18) is denied.

4 IT IS SO ORDERED.

5 Dated: January 10, 2018

6 
UNITED STATES DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28