

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TIYEONDREA McGLOTHIN, et al.,

CASE NO. 1:08-cv-01290-LJO-GSA

Plaintiffs,

ORDER STRIKING PLAINTIFF'S MOTION  
FOR RELIEF FROM JUDGMENT

v.

MARIO SANTOS, et al.,

Defendants.

(Doc. 24)

On January 19, 2012, Plaintiff Janetta Sconiers filed a document entitled "Motion for Relief From Judgment Dated February 26, 2009 Pursuant to F.R.C.P. 60(b)." In compliance with this Court's order of December 13, 2011, in *Sconiers v. Fresno County Superior Court* (Case No. 1:11-cv-00113-LJO-SMS), which declared Plaintiff Janetta Sconiers a vexatious litigant and ordered pre-filing review of any complaint, motion, or other legal document lodged with this Court, the undersigned has reviewed Plaintiff's January 19, 2012 motion and finds it to be frivolous and malicious in that its purpose is to challenge this Court's authority and to litigate matters that Plaintiff Sconiers was foreclosed from litigating in *Sconiers v. Fresno County Superior Court* (Case No. 1:11-cv-00113-LJO-SMS). Even if the motion properly concerned this matter, it is untimely since Plaintiff seeks to bring it more than one year after the entry of judgment in this matter. F.R.Civ.P. 60(c)(1). Finally, the judgment in this matter is not subject to reconsideration under F.R.Civ.P. 60(b) since Plaintiff previously appealed it to the United States Court of Appeals for the Ninth Circuit, which affirmed the judgment on November 30, 2010.

For the above reasons, this Court hereby STRIKES the motion, filed January 19, 2012, as frivolous and malicious.

IT IS SO ORDERED.

Dated: January 23, 2012/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE