

1 Petitioner’s motion for reconsideration does not address which of the six grounds for relief
2 contained in Rule 60(b) Petitioner is seeking redress under.¹ As this is a motion for reconsideration
3 and as Petitioner had previously sought relief under Rule 60(b)(6), the Court presumes Petitioner is
4 seeking relief under Rule 60(b)(6). Petitioner asserts that he is entitled to relief as he did not
5 understand the ramifications of his consent to magistrate judge’s jurisdiction. “Rule 60(b)(6) is a
6 catch-all provision that . . . ‘has been used sparingly as an equitable remedy to prevent manifest
7 injustice.’” *Lehman v. United States*, 154 F.3d 1010, 1017 (9th Cir. 1998) (quoting *United States v.*
8 *Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993)). “Neglect or lack of diligence is
9 not to be remedied through Rule 60(b)(6).” *Id.* Here, Petitioner is entitled to relief under Rule
10 60(b)(6) as he seeks relief for his failure to comprehend the ramifications of consenting to magistrate
11 judge jurisdiction. Accordingly, the Court finds Petitioner has failed to establish entitlement to relief
12 under Rule 60(b) and Petitioner’s motion for reconsideration is DENIED.

13 IT IS SO ORDERED.

14 **Dated: October 15, 2010**

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE

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¹The only other applicable sections of Rule 60(b) is subsection (1). Petitioner is not entitled to relief under Rule 60(b)(1). *See Speiser, Krause & Madole, P.C. v. Ortiz*, 271 F.3d 884, 886-87 (9th Cir. 2001) (holding a party’s failure to read and understand procedural rules did not constitute excusable neglect within the meaning of Rule 60(b)(1)).