

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 ARMENIO HUERRA,

5 Petitioner,

6 v.

7
8 TIMOTHY BUSBY, Warden,

9 Respondent.

Case No. 1:11-cv-01911-SKO HC

ORDER DISMISSING MOTION TO SET ASIDE
JUDGMENT UNDER RULE 60(b)

(Doc. 26)

10
11 On August 17, 2015, Petitioner, a state prisoner proceeding *pro se* with a petition for
12 writ of habeas corpus pursuant to 28 U.S.C. § 2254, moved set aside the July 28, 2014, order
13 denying his petition and entering judgment for Respondent.¹ The motion "addresse[d] some,
14 but not all, of the grounds in his original petition." Doc. 26 at 1.

15 The Court must dismiss the motion as untimely. Motions under Rule 60(b) must be
16 made within a reasonable time, but no more than one year after the entry of judgment.
17 F.R.Civ.P. 60(c)(1). The first motion in this matter was filed more than one year after entry of
18 the judgment.
19

20 It is hereby ORDERED that Petitioner's motion to set aside the July 28, 2014, judgment
21 be dismissed.
22

23 IT IS SO ORDERED.

24 Dated: October 25, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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28 ¹ Pursuant to 28 U.S.C. § 636(c)(1), both parties consented, in writing, to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case, including the entry of final judgment.

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