

1 CDCR 115 disciplinary proceedings, his placement in segregated housing, problems
2 with his job, seizure of his legal materials, and extensive and unrelated administrative
3 grievance proceedings. He states that he submitted a motion for extension of time to the
4 Court, but the docket shows no such motion being filed. Plaintiff expresses his
5 willingness to proceed only on those claims previously found to be cognizable.

6 Federal Rule of Civil Procedure Rule 60(b)(6) allows the Court to relieve a party
7 from a final judgment or order for “any other reason that justifies relief.” Rule 60(b)(6) “is
8 to be used sparingly as an equitable remedy to prevent manifest injustice and is to be
9 utilized only where extraordinary circumstances” exist. Harvest v. Castro, 531 F.3d 737,
10 749 (9th Cir. 2008) (internal quotations marks and citation omitted). The moving party
11 bears the burden of demonstrating that relief under Rule 60(b) is appropriate. Cassidy v.
12 Tenorio, 856 F.2d 1412, 1415 (9th Cir. 1988).

13 Plaintiff’s motion reflects that Plaintiff was aware of the Court’s orders and the
14 need to respond, but failed to do so in a timely manner. Although Plaintiff undoubtedly
15 had other competing priorities during the relevant time period, these do not excuse his
16 failure to respond to Court orders and failure to prosecute this action. Among other
17 things, Plaintiff claims to have been placed in administrative segregation, but provides
18 no evidence to suggest his placement there substantially overlapped with relevant
19 deadlines in this case. Plaintiff has failed to present extraordinary circumstances
20 justifying relief.

21 Accordingly, Plaintiff’s motion for relief from judgment is HEREBY DENIED.

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23 IT IS SO ORDERED.

24 Dated: March 29, 2016

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE