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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BRYANT FRANK WILSON,  
Plaintiff,

v.

CALIFORNIA DEPT. OF CORRECTIONS  
AND REHABILITATION, et al.,  
Defendants.

Case No. 1:14-cv-01475-SKO (PC)

ORDER DENYING MOTION FOR RELIEF  
FROM DISMISSAL AND JUDGMENT

(Doc. 11)

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Plaintiff Bryant Frank Wilson, a former state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 22, 2014. On September 24, 2014, the Court ordered Plaintiff to either pay the \$400.00 filing fee in full or file an application to proceed in forma pauperis within thirty days. Plaintiff failed to comply with the order and on December 17, 2014, the Court dismissed the case, without prejudice. On December 29, 2014, Plaintiff filed a motion seeking relief from the dismissal and judgment. Fed. R. Civ. P. 60.

Pursuant to Federal Rule of Civil Procedure 60, the Court may correct a mistake arising from oversight or omission, and it may relieve a party from a final judgment, order, or proceeding based on: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) “extraordinary circumstances” which would justify relief. Fed. R. Civ. Pro. 60(a), (b); *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Plaintiff contends

1 that this case was dismissed in error because he complied with the order to file an in forma  
2 pauperis application and he submits a copy of the application he filed. However, as evidenced by  
3 the exhibit, Plaintiff filed the application to proceed in forma pauperis in his other civil rights case,  
4 number 14-cv-01338-GSA (PC). Accordingly, the Court did not err in dismissing this action for  
5 failure to obey its order and in the absence of any ground entitling Plaintiff to relief from the  
6 dismissal and judgment, his motion is HEREBY ORDERED DENIED. Fed. R. Civ. P. 60(a), (b).

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8 IT IS SO ORDERED.

9 Dated: April 7, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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