

1 findings and recommendations. (Doc. No. 12.) On June 12, 2017, the undersigned adopted the
2 findings and recommendations in full upon a *de novo* review and entered judgment in favor of
3 defendant. (Doc. Nos. 13 and 14.) Before the court now is plaintiffs’ filing styled as a “Prose
4 [sic] Notice of Motion Other Paper Drawing Into Question of a State & Federal Statue [sic].”
5 (Doc. No. 15.) The court will construe plaintiffs’ filing as a motion seeking relief from judgment
6 under Federal Rule of Civil Procedure 60(b).

7 **LEGAL STANDARD**

8 Rule 60(b) of the Federal Rules of Civil Procedure provides in relevant part:

9 On motion and just terms, the court may relieve a party or its legal
10 representative from a final judgment, order, or proceeding for the
11 following reasons:

- 11 (1) mistake, inadvertence, surprise, or excusable neglect;
- 12 (2) newly discovered evidence that, with reasonable diligence,
13 could not have been discovered in time to move for a new trial
14 under Rule 59(b);
- 15 (3) fraud (whether previously called intrinsic or extrinsic),
16 misrepresentation, or misconduct by an opposing party;
- 17 (4) the judgment is void;
- 18 (5) the judgment has been satisfied, released or discharged; it is
19 based on an earlier judgment that has been reversed or vacated;
or applying it prospectively is no longer equitable; or
- 20 (6) any other reason that justifies relief.

20 “A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2),
21 and (3) no more than a year after the entry of judgment or order or the date of the proceeding.”
22 Fed. R. Civ. P. 60(c). “What constitutes ‘reasonable time’ depends upon the facts of each case,
23 taking into consideration the interest in finality, the reason for delay, the practical ability of the
24 litigant to learn earlier of the grounds relied upon, and prejudice to the other parties.” *Lemoge v.*
25 *United States*, 587 F.3d 1188, 1196–97 (9th Cir. 2009) (quoting *Ashford v. Steuart*, 657 F.2d
26 1053, 1055 (9th Cir. 1981)).

27 Generally speaking, a motion for reconsideration “should not be granted . . . unless the
28 district court is presented with newly discovered evidence, committed clear error, or if there is an

1 intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665
2 (9th Cir. 1999) (citing *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993));
3 accord *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir.
4 2009).¹ Accordingly, it has been recognized that reconsideration of a prior order is an
5 extraordinary remedy “to be used sparingly in the interests of finality and conservation of judicial
6 resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citations
7 omitted); see also *Harvest v. Castro*, 531 F.3d 737, 749 (9th Cir. 2008) (addressing
8 reconsideration under Rule 60(b)). In seeking reconsideration under Rule 60, the moving party
9 “must demonstrate both injury and circumstances beyond his control.” *Harvest*, 531 F.3d at 749
10 (internal quotation marks and citations omitted).

11 DISCUSSION

12 In seeking reconsideration plaintiffs argue that: (1) the magistrate judge’s findings and
13 recommendations disregarded “the legal standard used to determine when the Freedom of
14 Information Act (FOIA) permits a categorical rule of withholding;” and (2) the magistrate judge
15 erred in “concluding that the existence or nonexistence of old records on court of opinion
16 classified fact that is not subject to automatic declassification under legal action brought by whom
17 is licensee” (Doc. No. 15 at 3.) Among other things, plaintiffs also now seek leave to
18 amend their complaint. (*Id.* at 2.) These contentions are substantially the same, with some slight
19 variances, to those made by plaintiffs in their objections to the magistrate judge’s findings and
20 recommendations which the undersigned adopted after conducting *de novo* review. Moreover,
21 the points raised by plaintiffs fail to relate in any way to the claim advanced in their complaint for
22 improper eviction.

23 In their pending motion plaintiffs do not specify why this action was erroneously
24 dismissed and instead raise points addressed by the state court in the underlying eviction

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26 ¹ The Local Rules of this court require, in relevant part, that in moving for reconsideration of an
27 order denying or granting a prior motion, party must show “what new or different facts or
28 circumstances are claimed to exist which did not exist or were not shown” previously, “what
other grounds exist for the motion,” and “why the facts or circumstances were not shown” at the
time the substance of the order which is objected to was considered. Local Rule 230(j).

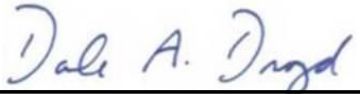
1 proceeding. Plaintiffs do not offer any new evidence or point out any change in the law that
2 would justify the granting of relief from this court's prior judgment.

3 **CONCLUSION**

4 For these reasons plaintiffs' motion (Doc. No. 15), construed as a motion for relief from
5 judgment under Rule 60(b), is denied. The Clerk of the Court is directed to close this case.

6 IT IS SO ORDERED.

7 Dated: March 29, 2018

8 
UNITED STATES DISTRICT JUDGE

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