



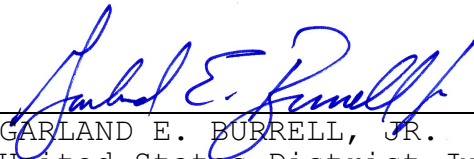
1 the appeal is pending. See id.

2 Under Rule 60(b), the court may grant reconsideration of a final judgment and any  
3 order based on, among other things: (1) mistake, inadvertence, surprise, or excusable neglect;  
4 (2) newly discovered evidence which, with reasonable diligence, could not have been discovered  
5 within ten days of entry of judgment; and (3) fraud, misrepresentation, or misconduct of an  
6 opposing party. A motion for reconsideration on any of these grounds must be brought within a  
7 reasonable time and no later than one year of entry of judgment or the order being challenged.  
8 See Fed. R. Civ. P. 60(c)(1).

9 Here, plaintiff's Rule 60 motion is untimely. Final judgment was entered on  
10 December 12, 2006, and the current motion was filed more than one year after that date.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff's Rule 60 motion (Doc.  
12 23) is denied as untimely.

13 Dated: February 22, 2011

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GARLAND E. BURRELL, JR.  
United States District Judge