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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE YOUNG,

Plaintiff,

No. CIV S-09-0336 GEB GGH P

vs.

S. PARKS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. On April 7, 2011, the court adopted the findings and recommendations and dismissed this case. On April 25, 2011, plaintiff brought a motion for relief from judgment, pursuant to Fed. R. Civ. P. 60(b).

Under Rule 60(b), a party may seek relief from judgment and to re-open his case in limited circumstances, “including fraud, mistake, and newly discovered evidence.” Gonzalez v. Crosby, 545 U.S. 524, 528, 125 S. Ct. 2641, 2645-46 (2005). Rule 60(b) provides in relevant part:

On motion and upon such terms as are just, the court may relieve a party ... from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial

1 under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct of
2 an adverse party; (4) the judgment is void; (5) the judgment has
3 been satisfied, released, or discharged, or a prior judgment upon
4 which it is based has been reversed or otherwise vacated, or it is no
5 longer equitable that the judgment should have prospective
6 application; or (6) any other reason justifying relief from the
7 operation of the judgment. The motion shall be made within a
8 reasonable time, and for reasons (1), (2), and (3) not more than one
9 year after the judgment, order, or proceeding was entered or taken.

10 “Motions for relief from judgment pursuant to Rule 60(b) of the Federal Rules of
11 Civil Procedure are addressed to the sound discretion of the district court.” Allmerica Financial
12 Life Insurance and Annuity Company v. Llewellyn, 139 F.3d 664, 665 (9th Cir. 1997).

13 The court has reviewed plaintiff’s motion and finds that plaintiff has added
14 nothing new or substantive that was not previously before the court, nor does he demonstrate any
15 basis for the court to find that the judgment was mistaken. To the extent plaintiff objects to not
16 being able to file objections to the findings and recommendations despite being given an
17 extension, for the reasons stated in the magistrate judge’s March 30, 2011, order denying a
18 second extension plaintiff has filed many appeals and motions for reconsideration regarding the
19 issues in this case over the last two years and all have been denied. Plaintiff is simply trying to
20 continue this litigation which will no longer be allowed.

21 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for relief from
22 judgment, pursuant to Rule 60(b), (Doc. 40) is denied. The Clerk is ordered not to file any
23 further documents in this case.

24 DATED: May 2, 2011

25 /s/ Gregory G. Hollows

26 _____
U.S. MAGISTRATE JUDGE

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