



1 not the case here. As stated above, final judgment dismissing this action was entered on  
2 December 7, 2010, and the appeal was processed a month later, on January 5, 2011. A review of  
3 the Ninth Circuit's order clearly indicates that this court's decision was reviewed and affirmed,  
4 and not that the appeal was dismissed as prematurely filed. The Ninth Circuit specifically states  
5 "we summarily affirm the district court's judgement." (Doc. 25).

6 Other than his apparent belief that this action was never finalized, plaintiff offers  
7 no basis for further review of this case. Even if this court was to construe plaintiff's filing as a  
8 motion for reconsideration under either Federal Rule of Civil Procedure 59(e) or 60, such motion  
9 would be untimely. A motion under Rule 59(e) must be brought no later than twenty-eight (28)  
10 days after entry of the judgment; a motion under Rule 60 must be brought within a reasonable  
11 time and no later than one year of entry of judgment. Final judgment in this case was entered  
12 December 7, 2010; plaintiff's current motion was filed December 16, 2011. The time for filing a  
13 motion for reconsideration expired prior to plaintiff's current filing.

14 This case is closed. Final judgment has been entered and affirmed on appeal.  
15 Plaintiff is advised that any further documents filed in this case will be disregarded and no order  
16 will issue in response to future filings. However, as a one-time courtesy, the Clerk of the Court  
17 is directed to provide plaintiff a copy of the Ninth Circuit's March 16, 2011, order affirming this  
18 court's judgment in confirmation that this action was brought to final judgment, and that  
19 judgment affirmed on appeal.

20 IT IS SO ORDERED.

21  
22 DATED: April 11, 2012

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25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE