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

FIDEL PADILLA,

Plaintiff,

No. CIV S-10-0239 FCD EFB P

vs.

ROOTER, et al.,

Defendants.

ORDER

_____ /
On September 27, 2010, the assigned magistrate judge filed findings and recommendations recommending that this action be dismissed. Dckt. No. 18. On November 3, 2010, the undersigned adopted that recommendation and dismissed this action. Dckt. No. 19. Judgment was entered accordingly. Dckt. No. 20. On February 22, 2011, plaintiff submitted a letter to the court asking that his case be reopened. Dckt. No. 21. The court construes plaintiff's letter as a motion seeking relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, which provides as follows:


On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is

1 based on an earlier judgment that has been reversed or vacated; or applying it
2 prospectively is no longer equitable; or (6) any other reason that justifies relief.

3 Plaintiff does not demonstrate he is entitled to relief from judgment.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's February 22, 2011 letter,
5 construed as a motion for relief from judgment, is denied.

6 Dated: March 15, 2011.

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9 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE