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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 RHONDA WHITEROCK FRED,

No. 2:10-cv-0845 JAM-AC

12 Plaintiff,

13 v.

**ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION**14 WASHOE TRIBE OF NEVADA &
15 CALIFORNIA,

16 Defendant.

17 This matter is before the Court on Plaintiff Rhonda
18 Whiterock Fred's ("Plaintiff") Motion for Relief from Final
19 Judgment (Doc. #43). Defendant Washoe Tribe of Nevada &
20 California ("Defendant") opposes the motion for reconsideration
21 (Doc. #45).¹

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23 I. FACTUAL ALLEGATIONS AND PROCEDURAL BACKGROUND

24 Plaintiff's original complaint was dismissed in August 2011
25 with leave to file an amended complaint within 28 days of the

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27 ¹ This motion was determined to be suitable for decision without
28 oral argument. E.D. Cal. L.R. 230(g). No hearing was
scheduled.

1 order dismissing Plaintiff's complaint. See Order Dismissing
2 Complaint, Doc. #28, at 2. On September 6, 2011, Plaintiff filed
3 a request for extension of time to file and appointment of
4 counsel (Doc. #29). Both requests were granted on October 13,
5 2011, and Plaintiff was given until December 23, 2011, to file
6 her amended complaint (Doc. #35). Defendant filed a notice of
7 interlocutory appeal on September 12, 2011 (Doc. #30). On
8 January 12, 2012, the Court *sua sponte* ordered that "all current
9 dates are vacated and the court will take no action in this case
10 until prompted by a party." Order Vacating Dates, Doc. #36, at
11 1-2. On June 26, 2013, the appellate proceedings ended (Doc.
12 #40). On September 13, 2013, the Court dismissed Plaintiff's
13 action for failing to file an amended complaint (Doc. #41).

14 15 II. OPINION

16 A. Legal Standard

17 Federal Rule of Civil Procedure 60(b) ("Rule 60(b)") governs
18 the reconsideration of final orders of the district court. Rule
19 60(b) permits a district court to relieve a party from a final
20 order or judgment on grounds of "(1) mistake, inadvertence,
21 surprise, or excusable neglect; (2) newly discovered evidence
22 . . .; (3) fraud . . . of an adverse party; (4) the judgment is
23 void; (5) the judgment has been satisfied . . . or (6) any other
24 reason justifying relief from the operation of the judgment."
25 Fed. R. Civ. P. 60(b). "Neither ignorance nor carelessness on
26 the part of the litigant or his attorney provide grounds for
27 relief under Rule 60(b)(1)." Engleson v. Burlington N. R. Co.,
28 972 F.2d 1038, 1043 (9th Cir. 1992) (citations omitted).

1 Plaintiff argues that she in good faith relied on the
2 Court's order vacating all current dates and stating that the
3 Court would take no further action until prompted by the parties.
4 She also claims she mistakenly believed that after the appellate
5 proceedings, she would not be held to the time limit within which
6 to file her amended complaint. However, Plaintiff's amended
7 complaint should have been filed by December 23, 2011, before the
8 Court issued its *sua sponte* order on January 12, 2012.
9 Therefore, Plaintiff could not have relied on the Court's order.
10 Accordingly, Plaintiff has not provided the Court with sufficient
11 grounds for relief.

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13 III. ORDER

14 For the reasons set forth above, the Court DENIES
15 Plaintiff's Motion for Reconsideration.

16 IT IS SO ORDERED.

17 Dated: November 6, 2013

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JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE

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