

1 Rule 60(b) provides:

2 (b) Grounds for Relief from a Final Judgment,
3 Order, or Proceeding. On motion and just
4 terms, the court may relieve a party or its
5 legal representative from a final judgment,
6 order, or proceeding for the following
7 reasons:

8 (1) mistake, inadvertence, surprise, or
9 excusable neglect;

10 (2) newly discovered evidence that,
11 with reasonable diligence, could not
12 have been discovered in time to move
13 for a new trial under Rule 59(b);

14 (3) fraud (whether previously called
15 intrinsic or extrinsic),
16 misrepresentation, or misconduct by an
17 opposing party;

18 (4) the judgment is void;

19 (5) the judgment has been satisfied,
20 released, or discharged; it is based on
21 an earlier judgment that has been
22 reversed or vacated; or applying it
23 prospectively is no longer equitable;
24 or

25 (6) any other reason that justifies
26 relief.

27 Fed. R. Civ. P. 60(b). Plaintiff's motion is unsupported by
28 evidence and he has made no arguments that bring the motion
within the ambit of the first five paragraphs of Rule 60(b).
Nor has he met the rigorous standards for relief under Rule
60(b)(6).


Judgments are not often set aside under Rule
60(b)(6). Rather, the Rule is "'used
sparingly as an equitable remedy to prevent
manifest injustice' and 'is to be utilized
only where extraordinary circumstances
prevented a party from taking timely action

1 to prevent or correct an erroneous
2 judgment.'" United States v. Washington, 394
3 F.3d 1152, 1157 (9th Cir.2005) (quoting
4 United States v. Alpine Land & Reservoir Co.,
5 984 F.2d 1047, 1049 (9th Cir.1993)).
6 Accordingly, a party who moves for such
7 relief "must demonstrate both injury and
8 circumstances beyond his control that
9 prevented him from proceeding with ... the
10 action in a proper fashion." Community Dental
11 Services v. Tani, 282 F.3d 1164, 1168 (9th
12 Cir.2002).

13 Latshaw v. Trainer Wortham & Co., Inc., 452 F.3d 1097, 1103 (9th
14 Cir. 2006). Plaintiff's motion, unsupported by any evidence,
15 does not meet the showing required for relief under Rule
16 60(b)(6).

17 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 7,
18 2014 "Response to Court's Decision" (ECF No. 73) is construed as
19 a motion for relief from judgment pursuant to Fed. R. Civ. P.
20 60(b) and, so construed, is denied.

21 DATED: July 8, 2014.

22 
23 LAWRENCE K. KARLTON
24 SENIOR JUDGE
25 UNITED STATES DISTRICT COURT
26
27
28