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

WADE THORNTON,

Plaintiff,

No. 2:11-cv-0875 EFB P

vs.

CRAIG WEST, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner without counsel. This case is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

On April 9, 2012, the court dismissed this action because after dismissing the original complaint with leave to amend for failure to state a claim, plaintiff failed to file an amended complaint or otherwise respond to the court's order. Dckt. No. 8. Judgment was entered accordingly. Dckt. No. 9. On May 16, 2012, plaintiff submitted a motion for relief from judgment. Dckt. No. 10.

Rule 60(b) of the Federal Rules of Civil Procedure 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's motion neither addresses the deficiencies in the complaint identified by the court nor
4 demonstrates that he is entitled to relief from judgment.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for relief from judgment
6 (Dckt. No. 10), is denied.

7 Dated: August 10, 2012.

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9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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