

1 intrinsic or extrinsic), misrepresentation, or other misconduct of an
2 adverse party; (4) the judgment is void; (5) the judgment has been
3 satisfied . . .; or (6) any other reason justifying relief from the
4 operation of the judgment. The motion shall be made within a
reasonable time, and for reasons (1), (2), and (3) not more than one
year after the judgment, order or proceeding was entered or taken.

5 See also Gonzales v. Crosby, 545 U.S. 524, 528 (2005) (“Rule 60(b) allows a party to seek relief
6 from a final judgment, and request re-opening of his case, under a limited set of circumstances
7 including fraud, mistake, and newly discovered evidence.”). The plaintiff bears the burden of
8 proof on a motion for relief from judgment pursuant to Rule 60(b), and such motions are
9 addressed to the sound discretion of the district court. See Allmerica Financial Life Ins. and
10 Annuity Co. v. Llewellyn, 139 F.3d 664, 665 (9th Cir. 1997); Yusov v. Yusuf, 892 F.2d 784, 787
11 (9th Cir. 1989); Thompson v. Housing Auth. of Los Angeles, 782 F.2d 829, 832 (9th Cir. 1986).

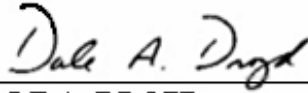
12 In his motion, plaintiff contends that he has had difficulty explaining his case to the court
13 because of the lack of legal assistance. (ECF No. 19 at 2.) As in his amended complaint, plaintiff
14 asserts that someone must have known that inmate Thomas Jenkins was being sent to the same
15 prison where plaintiff had been transferred and should have known that plaintiff’s safety would
16 be placed in danger if he and inmate Jenkins were confined at the same institution. (Id. at 3.)
17 Plaintiff explains his history with inmate Jenkins and how a conflict arose between them
18 concerning Jenkins’ involvement with the illegal use of a cell phone. (Id. at 4-5.) Plaintiff
19 believes that his transfer and inmate Jenkins’ transfer to the same facility is suspicious and must
20 be due to some serious omission by unidentified prison staff. (Id. at 5.) Plaintiff also contends
21 that the court has been insensitive to the physical and mental trauma that he has suffered. (Id. at
22 6.) Lastly, plaintiff requests that the court reconsider the dismissal of this action because of
23 unresolved questions concerning the transfers of he and inmate Jenkins to the same institution.
24 (Id. at 6-7.)

25 The court finds that plaintiff has failed to present proof of any newly discovered evidence
26 in support of his motion for relief under Rule 60(b). In addition, plaintiff has failed to present
27 anything justifying the granting of relief from judgment. Instead, plaintiff reasserts the
28 allegations set forth in his amended complaint and argues that since he was injured by inmate

1 Jenkins, there must have been a violation of his constitutional rights. This is bare allegation alone
2 is insufficient for the granting of relief under Rule 60(b). Therefore, plaintiff's motion will be
3 denied.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 6, 2013 amended motion
5 for relief pursuant to Rule 60(b)(6) (ECF No. 19) is denied.

6 Dated: July 15, 2013

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8 _____
9 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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