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

FREDERICK JONES, Sr.,

Plaintiff,

No. 2:11-cv-3048 LKK GGH P

vs.

CALIFORNIA SUPREME COURT,  
Clerks and Administrators, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action pursuant to 42 U.S.C. § 1983. This case was closed on July 20, 2012, but plaintiff has filed a motion for relief from a final judgment pursuant to Fed. R. Civ. P. 60(b).

Under Rule 60(b), a party may seek relief from judgment and to re-open his case in limited circumstances, “including fraud, mistake, and newly discovered evidence.” Gonzalez v. Crosby, 545 U.S. 524, 528, 125 S. Ct. 2641, 2645-46 (2005). Rule 60(b) provides in relevant part:

On motion and upon such terms as are just, the court may relieve a party ... from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a


1 new trial  
2 under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct of  
3 an adverse party; (4) the judgment is void; (5) the judgment has  
4 been satisfied, released, or discharged, or a prior judgment upon  
5 which it is based has been reversed or otherwise vacated, or it is no  
6 longer equitable that the judgment should have prospective  
7 application; or (6) any other reason justifying relief from the  
8 operation of the judgment. The motion shall be made within a  
9 reasonable time, and for reasons (1), (2), and (3) not more than one  
10 year after the judgment, order, or proceeding was entered or taken.

11 “Motions for relief from judgment pursuant to Rule 60(b) of the Federal Rules of  
12 Civil Procedure are addressed to the sound discretion of the district court.” Allmerica Financial  
13 Life Insurance and Annuity Company v. Llewellyn, 139 F.3d 664, 665 (9th Cir. 1997).

14 In the instant motion plaintiff has not presented any new arguments or facts. The  
15 motion is meritless and frivolous and is denied.

16 In accordance with the above, IT IS HEREBY ORDERED that plaintiff’s motion  
17 (Doc. 11) is denied.

18 DATED: August 28, 2012.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT