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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DENNIS GARDNER,  
  
Plaintiff,  
  
v.  
  
JOSHUA COLEMAN,  
  
Defendant.

No. 2:12-cv-01981-GEB-CKD

**ORDER DENYING PLAINTIFF'S  
REQUEST TO REOPEN CASE**

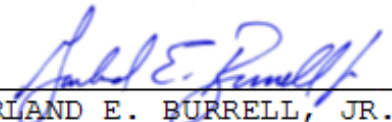
On November 26, 2014, an order was filed, which adopted the Magistrate Judge's November 4, 2014 Findings and Recommendations in full and dismissed this action with prejudice. Judgment was entered accordingly on the same day.

On February 5, 2015, Plaintiff filed a "request[] . . . [to] reopen the case." (ECF No. 59.) The Court construes this filing as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b). See, e.g., Am. Ironworks & Erectors, Inc. v. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001).

This Rule requires Plaintiff to "demonstrate mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, or any other basis for relief from judgment." Ross v.

1 Tilton, 420 F. App'x 723, 724 (9th Cir. 2011) (citing Fed. R.  
2 Civ. P. 60(b)). Since Plaintiff has not demonstrated a basis for  
3 60(b) relief, his request is denied.

4 Dated: February 13, 2015

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8 GARIAND E. BURRELL, JR.  
9 Senior United States District Judge  
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