1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	SEAVON PIERCE,	No. 2:15-cv-2691-JAM-EFB P
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	SACRAMENTO NEWS AND REVIEW,	
15	et al., Defendants.	
16	Derendants.	
17	Plaintiff Seavon Pierce is a state prisoner proceeding without counsel in a civil action. On	
18	August 25, 2016, the court dismissed this action without prejudice after determining that plaintiff	
19	was ineligible to proceed in forma pauperis and had not paid the required filing fee. ECF No. 12.	
20	Judgment was duly entered. ECF No. 13. Plaintiff now seeks relief from judgment pursuant to	
21	Rule 60(b) of the Federal Rules of Civil Procedure. ECF No. 14.	
22	Rule 60(b) provides:	
23	On motion and just terms, the court may relieve a party or its legal representative	
24	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	
25		
26		
27	based on an earlier judgment that has	been reversed or vacated; or applying it
28	prospectively is no longer equitable; o	or (6) any other reason that justifies relief.
		1

1		
2	Fed. R. Civ. P. 60(b).	
3	Plaintiff has not shown that the judgment entered against him was the result of excusable	
4	neglect or fraud, nor has he shown any other reason that would warrant relief from the judgment	
5	entered herein.	
6	Accordingly, IT IS HEREBY ORDERED that plaintiff's Rule 60(b) motion (ECF No.14)	
7	is denied.	
8	DATED: October 27, 2016	
9	/s/ John A. Mendez	
10	UNITED STATES DISTRICT COURT JUDGE	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	2	
	\angle	