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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,  
Plaintiff,  
v.  
SACRAMENTO REGIONAL TRANSIT,  
Defendant.

No. 2:16-cv-02540-MCE-AC

ORDER

This matter is before the court on plaintiff’s request for hearing. ECF No. 7. Plaintiff is proceeding in this matter pro se, and accordingly this motion was referred to the undersigned pursuant to Local Rule 302(c)(21). The court construes plaintiff’s request as a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60. For the reasons that follow, plaintiff’s request is DENIED.

**I. RELEVANT FACTUAL AND PROCEDURAL HISTORY**

Plaintiff filed his complaint on October 10, 2016, along with an application to proceed In Forma Pauperis (“IFP”). ECF No. 1. The undersigned granted plaintiff’s motion to proceed IFP and provided findings and recommendations to the district judge in this case recommending that the complaint be dismissed with prejudice on the grounds of res judicata. ECF No. 3. Plaintiff filed objections to the findings and recommendations. ECF No. 4. On January 6, 2017, the district judge adopted the findings and recommendations, ordering the case dismissed with prejudice. ECF No. 5. Judgment was entered that same day. ECF No. 6.

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**II. THE MOTION**

On July 24, 2017, plaintiff filed a motion titled “Request for Hearing.” ECF No. 7. The motion asks the court to re-open the case. Id. The court construes the filing as a motion for relief from judgment pursuant to Fed. R. Civ. P. 60.

**III. ANALYSIS**

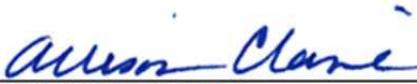
Rule 60(b) provides for reconsideration of a final judgment or any order where one of more of the following is shown: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which, with reasonable diligence, could not have been discovered within twenty-eight days of entry of judgment; (3) fraud, misrepresentation, or misconduct of an opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment; and (6) any other reason justifying relief. Fed. R. Civ. P. 60(b). A motion for reconsideration on any of these grounds must be brought within a reasonable time, and no later than one year, of the entry of the judgment or the order being challenged. Id. Plaintiff has not argued any of these grounds for relief from judgment. Relief from judgment is not warranted, and this court’s prior entry of judgment is final.

**IV. CONCLUSION**

For the reasons stated above, the court DENIES plaintiff’s motion, ECF No. 7.

IT IS SO ORDERD.

DATED: September 18, 2017

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE