

1 Given plaintiff’s incarceration and pro se status, the court finds his inability to file
2 timely objections due to lack of legal resources at El Dorado County Jail constitutes “excusable
3 neglect” for which relief may be granted under Federal Rule of Civil Procedure 60(b)(1). *See*
4 *Stutesman v. Campbell*, 2007 WL 779754, * 2 (E.D. Cal. March 14, 2007) (finding
5 excusable neglect in filing of untimely appeal based upon prisoner’s limited access to the prison
6 library, “during which time he ‘diligently sought research on the application to appeal on the
7 mechanics of requesting a Certificate of Appealability’ and on ‘procedural bars and defaults.’”);
8 *Tate v. Wiggins*, No. 3:18-CV-230, 2019 WL 2716897, at *2 (W.D. Pa. June 28, 2019) (noting
9 inability to access legal resources to look up a deadline would counsel in favor of finding
10 “excusable neglect”). Furthermore, the motion was filed within a reasonable time after judgment
11 was entered. Fed. R. Civ. P. 60(c)(1) (“A motion under Rule 60(b) must be made within a
12 reasonable time . . .”).

13 Therefore, plaintiff’s motion for relief from judgment is GRANTED. The order
14 adopting the magistrate judge’s findings and recommendations, ECF No. 63, and the entry of
15 judgment, ECF No. 64, is VACATED. Plaintiff shall have fourteen (14) days to file objections to
16 the findings and recommendations, ECF No. 58. This order resolves ECF No. 65.

17 Plaintiff’s request for the address of the Ninth Circuit and for an appeal form, ECF
18 No. 66, is DENIED without prejudice, as moot, given the court’s conclusion above.

19 IT IS SO ORDERED.

20 DATED: August 27, 2019.

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23 UNITED STATES DISTRICT JUDGE
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