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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN JONES,

Plaintiff,

v.

FOX, et al.,

Defendants.

No. 2:17-cv-2190-JAM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. On August 29, 2018, the court adopted the magistrate judge’s recommendation of dismissal and dismissed this action. ECF No. 62. Judgment was duly entered. ECF No. 63. Plaintiff subsequently filed two “notice[s] of objection[s]” to the magistrate judge’s findings and recommendations. ECF Nos. 65 & 66. The magistrate judge issued an order on September 24, 2018 taking no action on these post-judgment motions because the case was closed. ECF No. 67. On October 29, 2018, plaintiff filed a notice of appeal. ECF No. 70. On December 20, 2018, the Court of Appeals determined that plaintiff’s post-judgment motions sought reconsideration of the court’s August 29, 2018 final order of dismissal and remanded the matter to this court for consideration of those motions. ECF No. 75. The motions, considered under the standards set forth in Rule 60(b) of the Federal Rules of Civil Procedure, will be denied.

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1 Rule 60(b) of the Federal Rules of Civil Procedure provides for reconsideration of a final
2 judgment where one of more of the following is shown: (1) mistake, inadvertence, surprise, or
3 excusable neglect; (2) newly discovered evidence which, with reasonable diligence, could not
4 have been discovered within twenty-eight days of entry of judgment; (3) fraud, misrepresentation,
5 or misconduct of an opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment;
6 and (6) any other reason justifying relief. Fed. R. Civ. P. 60(b). A motion for reconsideration on
7 any of these grounds must be brought within a reasonable time, and no later than one year, of the
8 entry of the judgment or the order being challenged. Id. Additionally, Local Rule 230(j) requires
9 a party filing a motion for reconsideration to show the “new or different facts or circumstances
10 claimed to exist which did not exist or were not shown upon such prior motion, or what other
11 grounds exist for the motion.” E.D. Cal. Local Rule 230(j).

12 Here, plaintiff’s motions are incoherent. They articulate no grounds for reconsideration of
13 the court’s final order. Thus, plaintiff has failed to meet his burden under Rule 60(b).

14 Accordingly, IT IS HEREBY ORDERED that plaintiff’s post-judgment motions for
15 reconsideration (ECF Nos. 65 & 66) are denied.

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17 DATED: March 27, 2019

18 /s/ John A. Mendez

19 UNITED STATES DISTRICT COURT JUDGE
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