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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALDEN A. THOMAS,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA,
IMPERIAL COUNTY,

Defendant.

No. 2:17-cv-2408 MCE AC P

ORDER

On February 21, 2018,¹ plaintiff, a state prisoner proceeding pro se, filed a request for relief from a judgment pursuant to Federal Rule of Civil Procedure 60. EFC No. 12. He seeks relief from the District Court’s judgment entered on January 5, 2018. EFC Nos. 7, 8.

“Rule 60(b) enumerates specific circumstances in which a party may be relieved of the effect of a judgment, such as mistake, newly discovered evidence, fraud, and the like. The Rule concludes with a catchall category—subdivision (b)(6)—providing that a court may lift a judgment for ‘any other reason that justifies relief.’ Relief is available under subdivision (b)(6), however, only in ‘extraordinary circumstances.’” Buck v. Davis, 137 S. Ct. 759, 771-72 (2017).

In his motion, plaintiff asserts that this court should grant relief from judgment entered in plain error and refers to his filed objections (EFC No. 6). EFC No. 12. He then reiterates the


¹ Since plaintiff is a prisoner proceeding pro se, he is afforded the benefit of the prison mailbox rule. Houston v. Lack, 487 U.S. 266, 276 (1988).

1 arguments he made in his objections (EFC No. 12), which have already been considered by the
2 court (ECF No. 7). Plaintiff's request for relief will therefore be denied because he has failed to
3 demonstrate any mistake, newly discovered evidence, or fraud as required by Federal Rule of
4 Civil Procedure 60(b).

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to vacate or set aside
6 judgement (ECF No. 12) is denied.

7 IT IS SO ORDERED.

8 Dated: April 19, 2018

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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