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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	WILLIAM ROUSER,	No. 2:18-cv-1358-JAM-EFB P
12	Petitioner,	
13	v.	<u>ORDER</u>
14	UNKNOWN,	
15	Respondent.	
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17	On December 19, 2018, this habeas action was dismissed without prejudice to the filing of	
18	a civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 14. Judgment was duly entered.	
19	ECF No. 15. On April 15, 2020, petitioner filed a motion for relief from judgment pursuant to	
20	Rule 60(b) of the Federal Rules of Civil Procedure. ECF No. 16.	
21	Rule 60(b) provides for reconsideration of a final judgment where one of more of the	
22	following is shown: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly	
23	discovered evidence which, with reasonable diligence, could not have been discovered within	
24	twenty-eight days of entry of judgment; (3) fraud, misrepresentation, or misconduct of an	
25	opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment; and (6) any other	
26	reason justifying relief. Fed. R. Civ. P. 60(b). A motion under Rule 60(b) must be made within a	
27	"reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the	
28	judgment of order or the date of the proceedin	gs." Fed. R. Civ. P 60(c)(1).
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1	Because petitioner filed his Rule 60(b) motion more than a year after the entry of	
2	judgment, he must demonstrate he is entitled to relief for reasons (4), (5), and/or (6). Petitioner,	
3	however, has not shown he is entitled to relief from judgment for any of the reasons enumerated	
4	in Rule 60(b). Petitioner argues that the court erred in dismissing his petition, which challenged	
5	the results of a prison rules violation report, because on April 2, 2020, the Board of Parole	
6	Hearings relied upon that disciplinary report to deny him parole for ten years. ECF No. 16.	
7	Even so, petitioner's challenge to the disciplinary action does not fall within the "core of habeas	
8	corpus." Nettles v. Grounds, 830 F.3d 922 (9th Cir. 2016). As stated in the findings and	
9	recommendations underlying the order of dismissal (ECF No. 12), the petition does not present a	
10	basis for habeas jurisdiction because even if the disciplinary report were expunged from	
11	petitioner's record, it would not <i>necessarily</i> result in petitioner's speedier release. See id.	
12	(observing that a rules violation is just one of many factors a parole board may consider in	
13	determining a prisoner's suitability for parole).	
14	Accordingly, IT IS ORDERED that petitioner's Rule 60(b) motion seeking relief from	
15	judgment (ECF No. 16) is DENIED.	
16	DATED: May 11, 2020	
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18	/s/ John A. Mendez	
19	UNITED STATES DISTRICT COURT JUDGE	
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