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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|------------------------|---|---------------------------------|
| GREGORY YOUNG, |) | No. C 05-0119 JSW (PR) |
| |) | |
| Petitioner, |) | ORDER DENYING MOTION FOR |
| |) | RELIEF FROM JUDGMENT |
| vs. |) | |
| |) | |
| D. L. RUNNELS, Warden, |) | |
| |) | (Docket No. 37) |
| Respondent. |) | |
| _____ |) | |

This is a pro se habeas petition that was denied on its merits on March 28, 2008. Petitioner has filed a motion for relief from the “default judgment” on the grounds that he did not receive the order denying the petition.

Rule 60(b) of the Federal Rules of Civil Procedure provides for relief from judgment where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence that by due diligence could not have been discovered before the court’s decision; (3) fraud by the adverse party; (4) voiding of the judgment; (5) satisfaction of the judgment; (6) any other reason justifying relief. Fed. R. Civ. P. 60(b); *School Dist. 1J v. ACandS Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Although couched in broad terms, subparagraph (6) requires a showing that the grounds justifying relief are extraordinary. *Twentieth Century - Fox Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981).

Petitioner seeks relief from “default judgment.” There was no default judgment in this case, nor does Petitioner show that his alleged failure to receive the order denying

1 the petition warrants reconsideration of said order. His motion for relief from judgment
2 (docket number 37) is therefore DENIED.

3 IT IS SO ORDERED.

4 DATED: 02/24/2011

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7 JEFFREY S. WHITE
United States District Judge

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