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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS R. CARAWAY, et al.,

Defendants.

No. C-08-4371 MMC

**ORDER DENYING DEFENDANT'S
MOTION FOR RELIEF FROM
JUDGMENT**

On November 18, 2011, the Court entered judgment against defendant Douglas Caraway ("Caraway") in the amount of \$181,634.35. (See Amended Judgment and Decree of Sale, filed Nov. 18, 2011.) To satisfy said judgment, the Court authorized the government to sell Caraway's property located at 734 Neal Avenue in San Carlos, California, and directed the government to "choose either the United States Marshal or a PALS [Internal Revenue Service Property Appraisal and Liquidation Specialist]" to conduct the sale. (See id.)


Now before the Court is Caraway's letter, filed March 2, 2016, by which Caraway requests leave to conduct a "private sale" of the property. Specifically, Caraway contends the property would sell for a higher price if he were allowed to conduct the sale himself. In

1 support of his request, Caraway relies on letters he recently received from his realtor and
2 his physician.

3 The Court construes Caraway's letter as a motion for relief from judgment pursuant
4 to Rule 60(b) of the Federal Rules of Civil Procedure. So construed, the motion is denied,
5 as it fails to state a cognizable ground for such relief. Even assuming the letters from
6 Caraway's realtor and physician could be considered newly discovered evidence under
7 Rule 60(b)(2), the motion is time-barred. See Fed. R. Civ. P. 60(c)(1) (providing "motion
8 under Rule 60(b)[(2)] must be made . . . no more than a year after the entry of the
9 judgment").

10 **IT IS SO ORDERED.**

11 Dated: March 8, 2016


MAXINE M. CHESNEY
United States District Judge