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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES EDWARD MOORE,  
Plaintiff,  
v.  
A. BULATAO, et al.,  
Defendants.

Case No. [13-cv-02852-JD](#)

**ORDER DENYING MOTION FOR  
RELIEF FROM FINAL  
JUDGMENT**

Re: Dkt. No. 68

This is a civil rights case filed pro se by a state prisoner. The Court granted defendants’ motion to dismiss on November 16, 2016, and this case was dismissed and closed. Plaintiff has filed a motion for relief from final judgment pursuant to Fed. R. Civ. P. 60(b).

Rule 60(b) lists six grounds for relief from a judgment. Such a motion must be made within a “reasonable time,” and as to grounds for relief (1) - (3), no later than one year after the judgment was entered. See Fed. R. Civ. P. 60(b). Rule 60(b) provides for reconsideration where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered before the court's decision; (3) fraud by the adverse party; (4) the judgment is void; (5) the judgment has been satisfied; (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). Rule 60(b) provides a mechanism for parties to seek relief from a judgment when “it is no longer equitable that the judgment should have prospective application,” or when there is any other reason justifying relief from judgment. *Jeff D. v. Kempthorne*, 365 F.3d 844, 853-54 (9th Cir. 2004) (quoting Fed. R. Civ. P. 60(b)).

Plaintiff has failed to present newly discovered evidence, show a mistake by the Court or present any other arguments to satisfy Rule 60(b). Plaintiff presents legal arguments that were previously presented or could have been presented in the opposition to the motion to dismiss. The Court found that a prison regulation outlining the procedures for guards to interact with inmates did not violate due process and plaintiff’s action failed to state a claim under 42 U.S.C. § 1983.

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Because plaintiff has not shown that he is entitled to relief pursuant to Fed. R. Civ. P. 60(b), this motion (Docket No. 68) is **DENIED**.

**IT IS SO ORDERED.**

Dated: January 9, 2018



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JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 CHARLES EDWARD MOORE,  
4 Plaintiff,  
5 v.  
6 A. BULATAO, et al.,  
7 Defendants.  
8

Case No. [13-cv-02852-JD](#)

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on January 9, 2018, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Charles Edward Moore ID: C-86605  
18 San Quentin State Prison  
19 San Quentin, CA 94964

20 Dated: January 9, 2018  
21

22 Susan Y. Soong  
23 Clerk, United States District Court

24  
25 By:   
26 LISA R. CLARK, Deputy Clerk to the  
27 Honorable JAMES DONATO  
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