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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SENARBLE CAMPBELL,  
Plaintiff,  
v.  
W. STRUFFERT, et al.,  
Defendants.

Case No. 13-cv-05084-HSG (PR)

**ORDER DENYING MOTION FOR  
RELIEF FROM JUDGMENT**

Re: Dkt. No. 119

United States District Court  
Northern District of California

Plaintiff Senarble Campbell, a state prisoner proceeding *pro se*, has filed a motion for relief from the judgment entered in this court on March 22, 2016 granting defendants' motion for summary judgment. *See* Docket Nos. 117 & 118. The motion is filed pursuant to Federal Rule of Civil Procedure 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)-(c). 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; or (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).

Plaintiff does not indicate under what provision of Rule 60(b) reconsideration is warranted. But because plaintiff essentially argues that the Court should not have accepted defendants' testimony, his motion best fits under Rule 60(b)(1), which provides for relief from judgment on the grounds of mistake. The motion must be denied for two reasons. First, plaintiff did not file

1 the motion within one year from the date judgment was entered. Second, plaintiff's motion fails  
2 to make the showing required under Rule 60(b) or otherwise to show good cause for  
3 reconsideration. In short, plaintiff disagrees with the Court's ruling, and merely repeats arguments  
4 which the Court has already considered and rejected. Rule 60(b) should not be used as a substitute  
5 for appeal or a means of attacking some perceived error of the court. *See Twentieth Century - Fox*  
6 *Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981). Accordingly, plaintiff's motion for  
7 relief from judgment is DENIED.

8 No further filings will be accepted in this closed case.

9 This order terminates Docket No. 119.

10 **IT IS SO ORDERED.**

11 Dated: 5/8/2017

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14 HAYWOOD S. GILLIAM, JR.  
15 United States District Judge  
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