

United States District Court  
For the Northern District of California

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E-FILED on 6/29/10

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMAR JAMES EVANS,  
Plaintiff,

v.

UNKNOWN NAMES OF DEPARTMENT OF  
CORRECTIONS OFFICERS and SANTA  
CLARA COUNTY DEPARTMENT OF  
CORRECTIONS,  
Defendants.

No. C-03-05420 RMW

ORDER DENYING MOTION FOR RELIEF  
FROM JUDGMENT

[Re Docket No. 186]

Plaintiff's appeal to the Ninth Circuit was dismissed for lack of jurisdiction because the notice of appeal was not filed within 30 days after the entry of judgment on January 5, 2010. Plaintiff claims that notice of judgment was not mailed to him until February 10, 2010. Plaintiff seeks additional time to file his notice of appeal and thus moves for relief from judgment under Federal Rule of Civil Procedure 60. As explained in the court's June 14, 2010 order, the time for filing an appeal is tolled while a party files a motion for relief under Federal Rule of Civil Procedure 60 only if the motion is filed no later than 28 days after judgment is entered. Fed. R. App. P. 4(a)(4)(A)(vi). Plaintiff did not file a motion for relief from judgment within 28 days from January 5, 2010, the date of entry of judgment. Plaintiff's motion is therefore denied.

DATED: 6/29/10

  
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RONALD M. WHYTE  
United States District Judge

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT  
No. C-03-05420 RMW  
CCL