



1 order of dismissal, which this Court construes as a motion for reconsideration. In his motion,  
2 Plaintiff states that, on October 21, 2011, he was transferred to San Quentin State Prison, and  
3 then to San Mateo County, and back to San Quentin State Prison, where he currently is  
4 incarcerated. Plaintiff alleges that he has not received any forwarded mail.

5 Rule 60(b) provides for reconsideration where one or more of the following is shown: (1)  
6 mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence which by  
7 due diligence could not have been discovered before the court's decision; (3) fraud by the  
8 adverse party; (4) the judgment is void; (5) the judgment has been satisfied; (6) any other reason  
9 justifying relief. Fed. R. Civ. P. 60(b); *School Dist. 1J v. ACandS Inc.*, 5 F.3d 1255, 1263 (9th  
10 Cir.1993). Such a motion must be made within a "reasonable time," and as to grounds for relief  
11 (1) - (3), no later than one year after the judgment was entered. *See* Fed. R. Civ. P. 60(b).  
12 "Although the application of Rule 60(b) is committed to the discretion of the district courts . . . ,  
13 as a general matter, Rule 60(b) is remedial in nature and must be liberally applied." *TCI Group*  
14 *Life Ins. Plan v. Knoebber*, 244 F.3d 691, 695-96 (9th Cir. 2001) (internal quotation marks and  
15 ellipsis omitted).

16 The Court will defer ruling on Plaintiff's motion for reconsideration unless and until he  
17 files an amended complaint within thirty days, as the Court previously instructed on January 6,  
18 2012. To aid Plaintiff in this endeavor, the Clerk shall mail Plaintiff a courtesy copy of the  
19 Court's January 6, 2012 order dismissing the complaint with leave to amend. Should Plaintiff  
20 comply with this order in a timely manner, upon receipt of Plaintiff's amended complaint, the  
21 Court will grant Plaintiff's motion for reconsideration and re-open this action. If, however,  
22 Plaintiff does not file an amended complaint **within thirty days** of the filing date of this order,  
23 this case will remain closed.

24 IT IS SO ORDERED.

25 Dated: 4/8/13

26   
27 LUCY H. KOH  
28 United States District Judge