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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6
7 KENNETH L. CAMPBELL,
8 Plaintiff,
9 v.
10 BARACK OBAMA, et al.,
11 Defendants.

Case No. 14-cv-03071-BLF

**ORDER DENYING PLAINTIFF'S
REQUEST FOR RELIEF FILED
MARCH 17, 2017**

[Re: ECF 211]

United States District Court
Northern District of California

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14 On March 17, 2017, Plaintiff filed a document titled "Notice of Address Change Including
15 Petition for Relief Under Rule 70, FRCP." See ECF 21. In that document, Plaintiff requests that
16 the Court: (1) substitute President Donald Trump as defendant in place of former President
17 Barack Obama; (2) reconsider its March 18, 2016 Order Denying Plaintiff's Motion for
18 Appointment of Counsel or Guardian Ad Litem; Denying Plaintiff's Motion for a Medical
19 Examination; and Lifting Stay; (3) and grant Plaintiff temporary and immediate relief in the form
20 of appointment of an ombudsman/patient advocate to serve as his guardian ad litem.

21 Plaintiff's request to substitute President Donald Trump in place of former President
22 Barack Obama is governed by Federal Rule of Civil Procedure 25(d). That rule provides that
23 "when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to
24 hold office *while the action is pending*," the officer's successor automatically is substituted as a
25 party. Fed. R. Civ. P. 25(d) (emphasis added). Judgment was entered in this case on March 18,
26 2016, and Plaintiff did not file an appeal. Judgment, ECF 210. Because the action was no longer
27 "pending" when Donald J. Trump became the President, no substitution is necessary under Rule
28 25(d).

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With respect to Plaintiff’s request for reconsideration of this Court’s denial of his request for appointment of a guardian ad litem, the Court’s Civil Local Rules provide that a party may seek reconsideration *before* entry of judgment. Civ. L.R. 7-9. As noted above, judgment has been entered in this case. Accordingly, Plaintiff’s request for reconsideration is untimely. Plaintiff states that his request is made pursuant to Federal Rule of Civil Procedure 70. That rule, which is titled “Enforcing a Judgment for a Specific Act,” does not provide any basis for relief from this Court’s prior orders. *See* Fed. R. Civ. P. 70. It may be that Plaintiff intended to seek relief under Federal Rule of Civil Procedure 60(b), reciting “Grounds for Relief from a Final Judgment, Order, or Proceeding.” However, Plaintiff has not articulated any basis for relief under Rule 60(b).


Finally, with respect to Plaintiff’s request for immediate appointment of an ombudsman/patient advocate to serve as his guardian ad litem, that request is denied on the basis that this case has been closed for a year.

Plaintiff indicates an intention to file additional documents in this case. This Court is without power to grant Plaintiff any relief in this case, unless and until Plaintiff provides a basis for setting aside the judgment, which he has not done.

Accordingly, Plaintiff’s request for relief filed March 17, 2017 is DENIED.

IT IS SO ORDERED.

Dated: March 20, 2017


BETH LABSON FREEMAN
United States District Judge