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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

PEDRO RODRIGUEZ,  
Inmate Booking No. 14745493,  
  
Plaintiff,  
  
vs.  
  
ROBERT S. STALL, et al.,  
  
Defendants.

Civil            14cv2646 LAB (DHB)  
No.

**ORDER DENYING PLAINTIFF’S  
MOTION FOR RELIEF FROM  
JUDGMENT**

**(ECF No. 14)**

**I.     Procedural History**

Plaintiff, an inmate currently housed at the San Diego Central Jail, is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. On April 23, 2015, this Court dismissed Plaintiff’s First Amended Complaint (“FAC”) for failing to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) & § 1915A(b). (ECF No. 11.) The Court also denied Plaintiff leave to amend on the ground that it was futile. (*Id.*)

On September 21, 2015, Plaintiff filed a “Motion to Amend Judgment and/or Relief from Judgment” pursuant to FED.R.CIV.P. 60(b). (ECF No. 14.)

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1 **II. Plaintiff’s Motion**

2 **A. Standard of Review**

3 Under Rule 60, a motion for “relief from a final judgment, order or proceeding”  
4 may be filed within a “reasonable time,” but usually must be filed “no more than a year  
5 after the entry of the judgment or order or the date of the proceeding.” FED.R.CIV.P.  
6 60(c). Reconsideration under Rule 60 may be granted in the case of: (1) mistake,  
7 inadvertence, surprise or excusable neglect; (2) newly discovered evidence; or (3) fraud;  
8 or if (4) the judgment is void; (5) the judgment has been satisfied; or (6) for any other  
9 reason justifying relief. FED.R.CIV. P. 60(b).

10 **B. Plaintiff’s claims**

11 In Plaintiff’s FAC, he named a number of defendants including deputy district  
12 attorneys, investigators with the District Attorney’s office and investigators with the State  
13 of California Employment Development Department. (*See* FAC at 1-3.) Plaintiff raised  
14 allegations pertaining to the criminal charges against him and objected to the rulings in  
15 his preliminary hearing in his FAC. Plaintiff’s request for relief was an injunction  
16 preventing “further prosecuting case” and “use of evidence testimonial or real.” (FAC  
17 at 8.) The Court found that Plaintiff’s request would require this Court to intervene in  
18 an ongoing state court proceeding and declined to do so. (ECF No. 11 at 5.) A federal  
19 court cannot interfere with ongoing state criminal proceedings by granting injunctive  
20 relief absent a showing of the state’s bad faith or harassment, or a showing that the statute  
21 challenged is “flagrantly and patently violative of express constitutional prohibitions.”  
22 *Younger v. Harris*, 401 U.S. 37, 46, 53-54 (1971).

23 In Plaintiff’s Motion currently before the Court, he argues that the Court should  
24 allow further amendment of his pleading because he is really seeking to add an “access  
25 to courts” claim against, among others, the San Diego County Sheriff’s Department.  
26 (Pl.’s Mot. at 3-4.) Specifically, the Plaintiff argues that while he has been housed in the  
27 San Diego Central Jail, he has been denied access to photocopies and postage in order to  
28 submit documents to assist his legal proceedings. (*Id.* at 2.) This is an entirely new and

1 separate claim against new defendants that were not part of the original or amended  
2 complaint in this action. Plaintiff offers no justifiable reason why he did not seek to bring  
3 these claims in his original pleadings or why he waited five months after judgment was  
4 entered to bring these claims. It appears that many of these claims may have arisen after  
5 judgment was entered in this matter. Accordingly, Plaintiff's Motion for Relief from  
6 Judgment is **DENIED**. If Plaintiff wishes to raise new claims against new defendants,  
7 he should file a separate action.

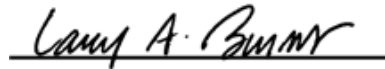
8 **III. Conclusion and Order**

9 Accordingly, Plaintiff's Motion brought pursuant to FED.R.CIV.P. 60 (ECF No. 14)  
10 is hereby **DENIED** without prejudice.

11 The Clerk of Court shall close the file.

12 **IT IS SO ORDERED.**

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14 DATED: October 9, 2015

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16 **HONORABLE LARRY ALAN BURNS**  
17 United States District Judge

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