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10	UNITED STATES DISTRICT COURT	
11	SOUTHERN DISTRICT OF CALIFORNIA	
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13	GLORIA RODRIGUEZ,	Case No. 16-cv-550-BAS(RBB)
14	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
15	V.	
16		[ECF No. 18]
17	MATT GRECO, <i>et al.</i> ,	
18	Defendants.	
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On October 21, 2015, Plaintiff filed a complaint in the Northern District of
California seeking relief under 42 U.S.C. § 1983 related to a charge of making false
statements in order to obtain unemployment benefits. On March 2, 2016, this action
was transferred to the Southern District of California. Plaintiff now moves for relief
from judgment under Federal Rule of Civil Procedure 60(b).

Once judgment has been entered, reconsideration may be sought by filing a
motion under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend
a judgment) or Federal Rule of Civil Procedure 60(b) (motion for relief from
judgment). *See Hinton v. Pac. Enter.*, 5 F.3d 391, 395 (9th Cir. 1993).

Rule 60(b) provides for extraordinary relief and may be invoked only upon a 1 2 showing of exceptional circumstances. Engleson v. Burlington N.R. Co., 972 F.2d 1038, 1044 (9th Cir.1994) (citing Ben Sager Chem. Int'l v. E. Targosz & Co., 560 3 F.2d 805, 809 (7th Cir. 1977)). Under Rule 60(b), the court may grant reconsideration 4 based on: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly 5 discovered evidence which by due diligence could not have been discovered before 6 the court's decision; (3) fraud by the adverse party; (4) the judgment is void; (5) the 7 judgment has been satisfied; or (6) any other reason justifying relief. Fed. R. Civ. P. 8 60(b). That last prong is "used sparingly as an equitable remedy to prevent manifest 9 injustice and is to be utilized only where extraordinary circumstances prevented a 10 party from taking timely action to prevent or correct an erroneous judgment." Delay 11 v. Gordon, 475 F.3d 1039, 1044 (9th Cir. 2007). 12

Though Plaintiff seeks relief from judgment related to the March 2, 2016 transfer order, no judgment has been entered in this action. Plaintiff mostly appears to argue for the substantive relief she seeks in her complaint, none of which has been litigated or foreclosed. Following the transfer, the Court granted Plaintiff's request to proceed *in forma pauperis*, and a summons was issued. Plaintiff need only serve the complaint now to proceed with her litigation. Consequently, there are no grounds for relief to be sought under Rule 60(b) for relief from judgment.

Because Petitioner fails to demonstrate entitlement to reconsideration, the
Court **DENIES** the motion in its entirety. (ECF No. 18.)

IT IS SO ORDERED.

DATED: August 11, 2016

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United States District Judge

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