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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

STEVEN KLEIN,

Petitioner,

v.

DEAN BORDERS,

Respondent.

Case No.: 17cv00380 JAH-PCL

**ORDER DENYING PETITIONER’S  
MOTION FOR RELIEF FROM  
JUDGMENT [Doc. No. 68]**

Pending before the Court is Petitioner’s motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(d)(3). Pursuant to Rule 60(d)(3), a party may seek an order setting aside a judgment based on fraud on the court. Petitioner argues Respondent engaged in fraud by presenting a shorter version of the Mobile Video Audio Recording System (“MVARs”) to the Court and not addressing his challenges to its authenticity. Petitioner challenged the MVARs in his traverse. The Court determined Petitioner’s allegations that the video was altered were groundless and overruled his objections to its authenticity. See Order Adopting the magistrate Judge’s Report and Recommendation and Denying Petition for Writ of Habeas Corpus at (Doc. No. 56) at 4.<sup>5</sup> Petitioner’s current

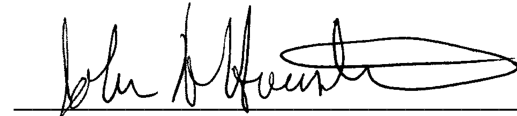
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<sup>5</sup> Petitioner appealed the order and judgment and the Ninth Circuit denied his request for a certificate of appealability upon finding Petitioner did not make a substantial showing of the denial of a constitutional

1 motion provides no additional facts demonstrating the MVARs was improperly  
2 authenticated or that Respondent committed a fraud on the Court by attesting to its  
3 authenticity.

4 Accordingly, IT IS HEREBY ORDERED Petitioner's motion for relief from  
5 judgment is DENIED.

6 DATED: December 10, 2019

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10 JOHN A. HOUSTON  
11 United States District Judge  
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28 right. See Doc. Nos. 60, 65. The Ninth Circuit later denied his motion for reconsideration and motion  
for reconsideration *en banc*. See Doc. No. 66.