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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff(s),

v.

CLARENCE MOSES WILLIS, et al.,

Defendant(s).

Case No. 2:15-CV-2366 JCM (GWF)

ORDER

Presently before the court is the matter of Federal National Mortgage Association v. Willis, et al., case number 2:15-cv-02366-JCM-GWF.

Pro se defendant Ernest C. Aldridge (“Aldridge”) filed a motion for relief from final judgment pursuant to FRCP 60(b)(3)-(4) (ECF No. 265) and a motion to stay the execution of final judgment pending appeal (ECF No. 267).

Aldridge asserts four grounds for Rule 60(b)(3)-(4) relief: (1) Fannie Mae is not a real party in interest because Fannie Mae did not stamp its filings with its corporate seal; (2) Aldridge was denied due process because the court prevented Aldridge from learning Fannie Mae’s true identity and never ruled on its jurisdiction over the matter¹, because he was not permitted to present evidence, and because his request for a hearing on Fannie Mae’s lis pendens was denied; (3) the judgment was a product of fraud because Fannie Mae was not a proper plaintiff and because it is based on facts not in evidence; and (4) final judgment was improper because there were pending motions before the court at the time the judgment was entered. (ECF No. 265).

¹ The court has explicitly asserted its jurisdiction in numerous orders. See (ECF Nos. 114, 131, 185, 222, 243)

1 Federal Rule of Civil Procedure 60(b) provides, in relevant part, that the court may relieve
2 a party from an order for the following reasons:

- 3 (1) mistake, inadvertence, surprise, or excusable neglect;
- 4 (2) newly discovered evidence that, with reasonable diligence, could not
have been discovered in time to move for a new trial under Rule 59(b);
- 5 (3) fraud (whether previously called intrinsic or extrinsic),
misrepresentation, or misconduct by an opposing party;
- 6 (4) the judgment is void;
- 7 (5) the judgment has been satisfied, released, or discharged; it is based on
an earlier judgment that has been reversed or vacated; or applying it
prospectively is no longer equitable; or
- 8 (6) any other reason that justifies relief.

9 Fed. R. Civ. P. 60(b). Further, Rule 60(c)(1) provides that “[a] motion under Rule 60(b) must be
10 made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the
11 entry of the judgment or order or the date of the proceeding.” Fed. R. Civ. P. 60(c)(1).

12 The court acknowledges that Aldridge’s motions were filed pro se and are therefore held
13 to less stringent standards. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed pro se
14 is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to
15 less stringent standards than formal pleadings drafted by lawyers.”) (internal quotation marks and
16 citation omitted). However, “pro se litigants in an ordinary civil case should not be treated more
17 favorably than parties with attorneys of record.” *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir.
18 1986).

19 “Although we construe pleadings liberally in their favor, pro se litigants are bound by the
20 rules of procedure.” *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Here, Aldridge has failed
21 to set forth any basis upon which granting relief from final judgment would be appropriate. (ECF
22 No. 265). He has failed to set forth any controlling law or new facts. Instead, Aldridge reiterates
23 many of the same arguments he and his co-defendant, Clarence Willis, have previously raised and
24 that have been repeatedly rejected by this court. Thus, the court will deny his motion for relief
25 from judgment.

26 In addition, Aldridge has failed to provide a memorandum of points and authorities in
27 support of his motion to stay execution of final judgment pending appeal. (ECF No. 267). Under
28 the local rules, failure to provide a memorandum of points and authorities constitutes consent to

1 the denial of the motion. See LR 7-2(a), (d). Therefore, Aldridge has consented to the denial of
2 their instant motions.


3 Further, the court has previously admonished Aldridge for failing to support his motions
4 with points and authorities. See (ECF No. 175). Accordingly, the court will deny Aldridge's
5 motion to stay execution of final judgment pending appeal for failure to comply with the Local
6 Rules.

7 Accordingly,

8 IT IS HEREBY ORDERED that Aldridge's motions (ECF Nos. 265, 267) be, and the same
9 hereby are, DENIED.

10 No further motions will be considered in this case.

11 DATED July 2, 2018.

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14 UNITED STATES DISTRICT JUDGE