



1 or otherwise vacated, or it is no longer equitable that the judgment should  
2 have prospective application; or (6) any other reason justifying relief  
from the operation of the judgment.

3 A motion under Rule 60(b) must be made within a “reasonable time.” Fed. R. Civ. P. 60(c)(1).  
4 Moreover, a motion for relief that is based on mistake, newly discovered evidence, or fraud (Fed. R.  
5 Civ. P. 60(b)(1-3), must be brought within one year of final judgment. Fed. R. Civ. P. 60(c)(1).

6 The instant case has been closed since May 22, 2008. (ECF No. 12). Petitioner waited until  
7 October 6, 2010, two and one half years later, to file his motion. (ECF. No. 18). Petitioner seeks relief  
8 from final judgment based on Rule 60(b)(1) (mistake) and 60(b)(6) (any other reason that justifies  
9 relief). Petitioner’s motion is untimely, and is denied on that basis. Fed. R. Civ. P. 60(c)(1); *see*  
10 *Ashford v. Steuart*, 657 F.2d 1053, 1055 (9<sup>th</sup> Cir. 1981) (“reasonable” amount of time is something less  
11 than the one-year standard applied to motions brought under Fed. R. Civ. P. 60(b)(1-3)).

12 **IT IS THEREFORE ORDERED** that petitioner’s motion for reconsideration and to re-open  
13 the instant action (ECF No. 18) is **DENIED**.

14 Dated this 5th day of February, 2011.

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LARRY R. HICKS  
19 UNITED STATES DISTRICT JUDGE  
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