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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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TAE H. CHON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION TO SET  
ASIDE JUDGMENT

Civil Case No. 1:19-CV-135 TS  
Criminal Case No. 2:01-CR-487 TS

District Judge Ted Stewart

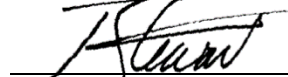
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This matter is before the Court on Petitioner's Motion to Set Aside Judgment. Petitioner seeks relief under Federal Rule of Civil Procedure 60(b)(1). That provision allows for relief where there has been a "mistake, inadvertence, surprise, or excusable neglect." "[T]he 'mistake' provision in Rule 60(b)(1) provides for the reconsideration of judgments only where: (1) a party has made an excusable litigation mistake or an attorney in the litigation has acted without authority from a party, or (2) where the judge has made a substantive mistake of law or fact in the final judgment or order."<sup>1</sup> Having carefully considered Petitioner's Motion, the Court finds that he has failed to demonstrate a mistake of law or fact. It is therefore

ORDERED that Petitioner's Motion to Set Aside Judgment (Docket No. 4) is DENIED.

DATED this 30th day of December, 2019.

BY THE COURT:



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Ted Stewart  
United States District Judge

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<sup>1</sup> *Cashner v. Freedom Stores, Inc.*, 98 F.3d 572, 576 (10th Cir. 1996).