

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Moreno v. Perkins Will, Inc., et al.

Moreno · No. 20-cv-02082-WHO · Decided February 26, 2025

SUMMARY

The United States District Court for the Northern District of California denied Jose Rigoberto Moreno's request to clarify an order denying his motion to reinstate previously dismissed excessive force claims. The court explained that relief under Federal Rule of Civil Procedure 60(b)(1) or (b)(2) was untimely because it was sought more than one year after final judgment, and that relief under Rule 60(b)(6) was not justified by extraordinary circumstances. The order was dated February 26, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	February 26, 2025
DOCKET	20-cv-02082-WHO
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved for clarification of an order denying his motion for relief from final judgment and seeking reinstatement of previously dismissed claims.
STANDARD OF REVIEW	Relief under Rule 60(b)(1) and (b)(2) is subject to Rule 60(c)(1)'s one-year deadline; relief under Rule 60(b)(6) must be sought within a reasonable time and requires extraordinary circumstances.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Jose Rigoberto Moreno v. Perkins Will, Inc., et al.

TOPICS

- motion for reconsideration
- civil procedure
- section 1983
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should clarify or reconsider its prior denial of Moreno's motion for relief from judgment.
2. Whether Moreno's motion under Rule 60(b)(1) or Rule 60(b)(2) was timely when filed more than three years after entry of final judgment.
3. Whether Moreno demonstrated extraordinary circumstances and filed within a reasonable time as required for relief under Rule 60(b)(6).

HOLDINGS

1. A motion for relief from judgment based on mistake or newly discovered evidence under Rule 60(b)(1) or Rule 60(b)(2) must be filed no more than one year after entry of the judgment, and Moreno's motion filed more than three years after judgment was legally untimely.
2. Relief under Rule 60(b)(6) must be sought within a reasonable time and requires extraordinary, unique, and compelling circumstances preventing timely action; Moreno did not satisfy that standard.

KEY QUOTATIONS

"The rule is to be utilized only where extraordinary circumstances have prevented a party from taking timely action to prevent or correct an erroneous judgment." (at 2)

FACTUAL BACKGROUND

Moreno's claims were dismissed with prejudice after he failed to amend his complaint adequately and failed to prosecute his claims. Final judgment was entered on January 7, 2021. Moreno sought relief from judgment more than three years later, citing health problems and medical treatment occurring between 2021 and 2024, but did not establish circumstances preventing him from seeking relief earlier.

PROCEDURAL HISTORY

The court dismissed Moreno's claims with prejudice and entered final judgment on January 7, 2021. More than three years later, Moreno moved under Federal Rule of Civil Procedure 60(b)(1), (b)(2), and (b)(6) to reinstate his claims. The court denied that motion because the Rule 60(b)(1) and (b)(2) request was untimely and Moreno had not shown extraordinary circumstances or a reasonable basis for the delay under Rule 60(b)(6). Moreno then filed a motion asking the court to clarify its denial order, which the court resolved by reaffirming its prior ruling.

DISPOSITION

other

CASES CITED

- U.S. v. Alpine Land & Reservoir Co., 984 F.2d 1047 (9th Cir. 1993)

