

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Moore v. Duran

No. 3:23-cv-0194-GPC-DDL (S.D. Cal. Sept. 25, 2025) · No. 3:23-cv-0194-GPC-DDL · Decided September 25,
2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to vacate the judgment entered against Defendant Manquero under Federal Rule of Civil Procedure 60(b). The court found that the post-judgment settlement, including payment and waiver of certain rights, supported vacatur and dismissed the action with prejudice.

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE SOUTHERN
DISTRICT OF CALIFORNIA 10 11 12 MERRICK MOORE, 3:23-cv-0194-GPC-DDL 13
Plaintiff, AMENDED JUDGMENT 14 DISMISSING ACTION AND v. ORDER GRANTING
JOINT 15 MOTION TO VACATE JUDGMENT 16 J.J. DURAN, et al., [ECF No. 169] 17
Defendants. Judge: Hon. Gonzalo P. Curiel 18 Magistrate: Hon. David D. Leshner 19 20 The
parties have filed a Joint Motion to Vacate Judgment ECF No. 166.

ECF 21 No. 169. The parties have reached a post-judgment agreement, contingent on the 22
Court’s order on this motion. ECF No. 169-1 at 2. For the following reasons, this 23 Court
GRANTS the motion. 24 I. Background 25 26 Plaintiff was an inmate of the California
Department of Corrections and 27 Rehabilitation, while Defendants were correctional officers of
various ranks.

28 Plaintiff originally brought this action, alleging that his Eighth Amendment rights 1 were
violated when Defendants used excessive force and put Plaintiff in imminent 2 danger in violation
of 45 U.S.C. § 1983, when he was sexually assaulted during the 3 excessive force, and when
Defendants retaliated and disregarded Plaintiff’s safety 4 and welfare as outlined in 45 U.S.C. §
1983.

ECF No. 1. 5 On July 7, 2025, trial by jury commenced before the Court on this action. ECF 6 No.
166. On July 11, 2025, the jury returned special verdicts for the relevant 7 Defendants. Id.
Specifically for Defendant Manquero, the special verdict found him 8 “liable for use of excessive
and unnecessary force against Plaintiff; for acting 9 maliciously and sadistically for the purpose of
causing harm, and not in a good faith 10 effort to maintain and restore discipline; and for causing

harm to Plaintiff, finding 11 that Defendant Manquero acted with malice, oppression, or in reckless disregard of 12 Plaintiff's rights." Id. Nominal and punitive damages were awarded.

Id. 13 14 After the judgment had been entered, the Parties reached a post-judgment 15 agreement. It includes an agreement to not seek costs, for Plaintiff to waive his 16 rights to collect the awarded \$1,000 in punitive damages, and for the CDCR to pay 17 Plaintiff \$1,500 in satisfaction of the judgment and as a release of all claims 18 connected to the Complaint.

ECF No. 169-1 at 2. The agreement is also contingent 19 on a grant of a motion to vacate judgment. Id. Defendant would, then, be able to 20 avoid the negative effect on his credit record that would result from the judgment 21 and award of punitive damages.

Thus, the parties jointly filed the instant motion, 22 requesting the judgment against Defendant Manquero be vacated. 23 Discussion 24 25 Rule 60(b) of the Federal Rules of Civil Procedure provides that "[o]n motion 26 and just terms, the court may relieve a party or its legal representative from a final 27 judgment, order, or proceeding" for several reasons, including that "the judgment 28 has been satisfied, released, or discharged" or "any other reason that justifies 1 relief." Fed.

R. Civ. P. 60(b). While "exceptional circumstances" must exist for an 2 appellate court to vacate a district court's judgment, "district courts enjoy 'greater 3 equitable discretion when reviewing [their] own judgments than do appellate courts 4 operating at a distance.'" *Liberty Mut. Fire Ins. Co. v. Bosa Dev. California II, Inc.*, 5 No. 17-CV-00666-AJB-BGS, 2022 WL 2902782, at *1 (S.D.

Cal. Feb. 10, 2022) 6 (quoting *Am. Games, Inc. v. Trade Prods., Inc.*, 142 F.3d 1164, 1170 (9th Cir. 7 1998)). In exercising that discretion, however, the Court uses an equitable 8 balancing test. The factors within that test include "the consequences and attendant 9 hardships of dismissal or refusal to dismiss, the competing values of finality of 10 judgment and right to relitigation of unreviewed disputes, the motives of the party 11 whose voluntary action mooted the case, and the public policy against allowing a 12 losing party to buy an eraser for the public record." *Ayotte v. Am.*

Econ. Ins. Co., 13 578 Fed. Appx. 657, 658–59 (9th Cir. 2014) (quotations omitted) (quoting *Am. 14 Games, Inc.*, 142 F.3d at 1168, 1170). 15 One equitable consideration for vacatur is "the general judicial policy favoring 16 settlement," which, in addition to bringing the case to a close, conserves judicial 17 resources that might be spent litigating the matter on appeal or on other legal issues.

18 *Bedrock Fin., Inc. v. United States*, No. 1:10-CV-01055 MJS HC, 2015 WL 19 1989106, at *3 (E.D. Cal. Apr. 30, 2015). Here, the Defendant is willing waive his 20 right to appeal, and the Parties also agree to not seek costs. While the conservation 21 of resources is not substantial at

this later stage of the case, see *Gardner v. 22 CafePress Inc.*, No. 3:13-CV-1108-GPC-JLB, 2015 WL 13427727, at *3 (S.D.

Cal. 23 Jan. 9, 2015), this consideration weighs in favor of vacatur. 24 25 However, even in the context of a settlement between the parties, a district 26 court “is not required to vacate a judgment...because, otherwise, any litigant 27 dissatisfied with a trial court's findings would be able to have them wiped from the 28 books.” *Bates v. Union Oil Co. of California*, 944 F.2d 647, 650 (9th Cir.

1991) 1 (quotations omitted) (citing *Ringsby Truck Lines, Inc. v. W. Conf. of Teamsters*, 686 2 F.2d 720, 721 (9th Cir. 1982)). Specifically, there is a strong public interest 3 favoring public access to judicial records. See *Nixon v. Warner Commc'n, Inc.*, 435 4 U.S. 589, 597–98 (1978). This interest generally weighs against vacatur, as the “the 5 public has an interest in protecting district court precedents from ‘a refined form of 6 collateral attack.’” *NASD Disp.*

Resol., Inc. v. Jud. Council of State of Cal., 488 7 F.3d 1065, 1069 (9th Cir. 2007) (quoting *U.S. Bancorp Mortg. Co. v. Bonner Mall 8 P'ship*, 513 U.S. 18, 26 (1994)). 9 Nonetheless, here, a grant of vacatur would still mean the judgment against 10 Defendant would “remain in electronic research databases, albeit flagged, but 11 otherwise available for whatever guidance they may give to parties and other 12 courts.” *Bedrock Fin., Inc. v. United States*, No. 1:10-CV-01055 MJS HC, 2015 13 WL 1989106, at *3 (E.D.

Cal. Apr. 30, 2015); see also *NASD*, 488 F.3d at 169. The 14 judgment also does not “address[] unsettled areas of law...[that] may be useful to 15 the public.” *Liberty Mut. Fire Ins. Co. v. Bosa Dev. California II, Inc.*, No. 17-CV- 16 00666-AJB-BGS, 2022 WL 2902782, at *2 (S.D. Cal. Feb. 10, 2022). This, 17 therefore, weighs in favor of vacatur. 18 19 The Court is also unaware of other public interests or third parties that would 20 be negatively impacted by vacatur.

The case is fact-specific to Defendant 21 Manquero, which would create “no preclusive effect” as a result of vacating the 22 judgment. See *Bedrock*, 2015 WL 1989106, at *4. Finally, both Parties would be 23 able to benefit: the Plaintiff would be able to claim a larger compensation for his 24 injuries, while Defendant could maintain his credit record. 25 / / / 26 27 / / / 28 1 Thus, the Court concludes that vacatur is warranted.

Accordingly, the Court 2 | GRANTS the joint motion and VACATES its August 8, 2025 Judgment ECF No. 3 | 166. Additionally, after considering the settlement and request for dismissal, the 4 | Court hereby dismisses the above-captioned case with prejudice. 5 IT IS SO ORDERED. ‘ Dated: September 25, 2025 7 sale As □ 7 Hon. Gonzalo P. Curiel United States District Judge 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

