

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cortinas v. Ikegbu

Cortinas v. Ikegbu · No. No. 2:23-cv-00285-TLN-CKD · Decided April 4, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Larry William Cortinas’s motion to set aside the judgment under Federal Rule of Civil Procedure 60(b). The court held that Plaintiff failed to show extraordinary circumstances warranting relief from the prior dismissal without prejudice for failure to prosecute, including because the alleged threats and later incarceration were not adequately connected to the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 4, 2025
DOCKET	No. 2:23-cv-00285-TLN-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) to set aside the final judgment dismissing his action without prejudice for failure to prosecute.
STANDARD OF REVIEW	Relief under Rule 60(b)(6) is extraordinary and is available only upon a showing of extraordinary circumstances; the provision is to be used sparingly.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam, with no reported citation identified.
PARTIES	Larry William Cortinas v. N. Ikegbu, M. Osman, B. Haile

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated grounds under Federal Rule of Civil Procedure 60(b)(6) warranting relief from the final judgment.
2. Whether Plaintiff's allegations of threats, extortion, incarceration, blocked mail, and other alleged misconduct constituted extraordinary circumstances connected to the judgment sufficient to justify relief.

HOLDINGS

1. A party seeking relief from a final judgment under Rule 60(b)(6) must demonstrate extraordinary circumstances justifying relief, and Plaintiff failed to make that showing.
2. Allegations concerning threats by nonparties and events occurring after judgment did not establish a sufficient connection to the case or extraordinary circumstances warranting relief from judgment.

KEY QUOTATIONS

“On motion and just terms, a district court may relieve a party from a final judgment or order for the following reasons:” (at 1)

“Without more, the Court cannot conclude Plaintiff has demonstrated extraordinary circumstances to justify relief.” (at 2)

FACTUAL BACKGROUND

The action had been dismissed without prejudice for failure to prosecute, and judgment was entered on September 17, 2024. Plaintiff later alleged threats by a purported parole agent in March or April and May 2024, an alleged extortion scheme continuing through December 2024, and his arrest in January 2025. The court found that Plaintiff did not explain how the later incarceration or alleged threats and extortion were connected to the dismissed action or why he could not have notified the court before judgment was entered.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal without prejudice for failure to prosecute on July 18, 2024. The district court adopted that recommendation in full, closed the case, and entered judgment on September 17, 2024. Plaintiff moved to set aside the judgment on March 13, 2025; the court denied the motion.

DISPOSITION

other

CASES CITED

- Puckett, 2025 WL 253944, at *1

- Harvest v. Castro, 531 F.3d at 749

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LARRY WILLIAM CORTINAS, 12 Plaintiff, No. 2:23-cv-00285-TLN-
CKD 13 14 v. ORDER N. IKEGBU, et al., 15 Defendants. 16 17 18 This matter is before the
Court on Plaintiff Larry William Cortinas's ("Plaintiff") motion 19 to set aside judgment. (ECF
No. 59.) Defendants N. Ikegbu, M. Osman, and B. Haile 20 ("Defendants") filed an opposition.

(ECF No. 60.) For the reasons set forth below, Plaintiff's 21 motion is DENIED. 22 The Court
need not recount the background facts here as they are set forth in the 23 magistrate judge's prior
order. (ECF No. 30.) On July 18, 2024, the magistrate judge 24 recommended Plaintiff's action be
dismissed without prejudice for failure to prosecute. (ECF No. 25 55.)

On September 17, 2024, this Court adopted the magistrate judge's findings and 26
recommendations in full and closed the case. (ECF No. 56.) The Clerk of the Court entered 27
Judgment the same day. (ECF No. 57.) On March 13, 2025, Plaintiff filed the instant motion to 28
1 set aside judgment. 2 On motion and just terms, a district court may relieve a party from a final
judgment or 3 order for the following reasons: 4 (1) mistake, inadvertence, surprise, or excusable
neglect; 5 (2) newly discovered evidence that, with reasonable diligence, 6 could not have been
discovered in time to move for a new trial under Rule 59(b); 7 (3) fraud (whether previously called
intrinsic or extrinsic), 8 misrepresentation, or misconduct by an opposing party; 9 (4) the judgment
is void; 10 (5) the judgment has been satisfied, released, or discharged; it is 11 based on an earlier
judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
12 13 (6) any other reason that justifies relief.

14 Fed. R. Civ. P. 60(b). 15 Plaintiff does not argue any of the first five categories apply (nor does
the Court find them 16 applicable), which leaves only the sixth, catchall category. While Plaintiff's
motion lacks clarity, 17 it appears Plaintiff makes two distinct arguments.1 18 First, Plaintiff
claims a parole agent collaborated with another California Department of 19 Corrections and
Rehabilitation official to extort approximately \$30,000 from Plaintiff and his 20 father from
approximately May 2024 to December 2024.

(ECF No. 59 at 5.) Plaintiff contends 21 that when his father ceased making payments to the
alleged extortionists, Plaintiff was arrested on 22 January 13, 2025. (Id. at 6.) Plaintiff fails to
explain, however, how his incarceration in January 23 24 1 Plaintiff alleges he was unable to
attend required parole classes due to lacking transportation, his attempts to send mail to the courts
in January and February 2025 were blocked 25 by the Stanislaus County Jail Sheriff's Department,
inmates have falsely stated he is a rapist and child molester which has put him in danger, and he
has been continuously denied medical 26 treatment.

(See ECF No. 59.) Plaintiff, however, fails to connect these unfortunate circumstances to a basis for relief from judgment. To the extent Plaintiff seeks relief from the newly alleged misconduct, he must file another lawsuit subject to the screening requirements under 28 U.S.C. § 2815A(a). 1 | 2025, which occurred after the Court entered judgment dismissing his cause of action, has any 2 | bearing on the instant case.

3 Second, Plaintiff argues that in late March or early April of 2024, a 6'5" African 4 | American man, who identified himself as a parole agent, entered his residence and made 5 | threatening statements. Ud. at 4.) Plaintiff contends the man told him that he would be killed if 6 | he pursued his ongoing civil litigation. Ud.) Plaintiff further states the same individual returned 7 | in May 2024 to reinforce these threats. (/d.)

The Court finds Plaintiff's statements regarding 8 | death threats by nonparties lack any connection to this case. Specifically, Plaintiff has not 9 | explained how the nonparty knew about Plaintiff's ongoing litigation, the nonparty's motivation 10 | for not wanting Plaintiff to pursue litigation, or why Plaintiff could not have notified the Court of 11 || his circumstances before his case was dismissed.

Without more, the Court cannot conclude 12 | Plaintiff has demonstrated extraordinary circumstances to justify relief. See *Puckett*, 2025 WL 13 | 253944, at *1; see also *Harvest v. Castro*, 531 F.3d at 749 (determining that Rule 60(b)(6) is to 14 | be used sparingly). 15 In sum, Plaintiff fails to demonstrate why he is entitled to the extraordinary relief that he 16 | seeks.

Accordingly, Plaintiff's motion to set aside judgment (ECF No. 59) is DENIED. 17 IT IS SO ORDERED. 18 | Date: April 4, 2025 19 21 TROY L. NUNLEY 22 CHIEF UNITED STATES DISTRICT JUDGE 23 24 25 26 27 28