

**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

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 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 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 Plaintiffs statements regarding 8 | death threats by nonparties lack any connection to this case. Specifically, Plaintiff has not 9 | explained how the nonparty knew about Plaintiffs 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