

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Juan Carlos Calderon v. B. Holmes, et al.

Calderon v. Holmes · No. 2:25-cv-01446-TLN-JDP · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Juan Carlos Calderon’s motion for reconsideration in a closed civil rights action. The court held that Plaintiff failed to demonstrate extraordinary circumstances or other grounds warranting relief under Federal Rule of Civil Procedure 60(b)(6) from the dismissal without prejudice for failure to pay the filing fee.

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	December 16, 2025
DOCKET	2:25-cv-01446-TLN-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration under Federal Rule of Civil Procedure 60(b)(6) of the dismissal of his civil rights action without prejudice for failure to pay the filing fee after denial of in forma pauperis status.
STANDARD OF REVIEW	Relief under Federal Rule of Civil Procedure 60(b)(6) requires extraordinary circumstances justifying reopening a final judgment or order; reconsideration is an exceptional equitable remedy used sparingly to prevent manifest injustice.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated extraordinary circumstances warranting relief from the dismissal under Federal Rule of Civil Procedure 60(b)(6).
2. Whether Plaintiff satisfied the Eastern District of California's requirements for a motion for reconsideration by identifying new or different facts, circumstances, or other grounds that could not previously have been presented.

HOLDINGS

1. Plaintiff was not entitled to relief under Rule 60(b)(6) because he failed to demonstrate extraordinary circumstances, injury, and circumstances beyond his control that justified reopening the dismissal.
2. Plaintiff was not entitled to reconsideration because he failed to identify altered facts or circumstances that did not previously exist or provide another sufficient ground for reconsideration under Eastern District of California Local Rule 230(j).

KEY QUOTATIONS

“The moving party must demonstrate “extraordinary circumstances justifying the reopening of a final judgment.”” (2)

“Rule 60(b)(6) “is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment.”” (2)

FACTUAL BACKGROUND

Plaintiff filed a civil rights action together with an application to proceed in forma pauperis. The court determined that Plaintiff was a three-strikes litigant under 28 U.S.C. § 1915(g), ordered him to tender the filing fee, and dismissed the action without prejudice after he failed to pay or object. Plaintiff sought reconsideration based on the asserted fundamental fairness of justice but identified no changed facts or circumstances.

PROCEDURAL HISTORY

Plaintiff filed a civil rights action and an application to proceed in forma pauperis. A magistrate judge recommended denying in forma pauperis status because Plaintiff was a three-strikes litigant under 28 U.S.C. § 1915(g), and the district court adopted that recommendation and ordered Plaintiff to pay the filing fee. After Plaintiff failed to pay or object, the court dismissed the action without prejudice and closed the case. Plaintiff later moved for reconsideration, which the court denied.

DISPOSITION

other

CASES CITED

- Gonzalez v. Crosby, 545 U.S. 524, 535 (2005)

- Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JUAN CARLOS CALDERON, 12 Plaintiff, No. 2:25-cv-01446-TLN-JDP
13 14 v. ORDER B. HOLMES, et al., 15 Defendants. 16 17 This matter is before the Court on
Plaintiff Juan Carlos Calderon's ("Plaintiff") Motion 18 for Reconsideration in this closed civil
rights action. (ECF No. 17.)

For the reasons set forth 19 below, the Court DENIES Plaintiff's motion. 20 Plaintiff filed this
civil rights action on May 19, 2025, (ECF No. 1), along with an 21 application to proceed in forma
pauperis (ECF No. 2).

The assigned magistrate judge 22 subsequently made findings and recommendations to deny
Plaintiff's application to proceed in 23 forma pauperis because Plaintiff was a three-strikes litigant
within the meaning of 28 U.S.C. § 24 1915(g). (ECF No. 6.)

On August 8, 2025, this Court adopted these findings and 25 recommendations and directed
Plaintiff to tender the filing fee within twenty-one days. (ECF No. 26 8.) Plaintiff did not pay the
filing fee or file any objections.

As such, on September 29, 2025, the 27 Court dismissed this action without prejudice and directed
the Clerk of Court to close the case. 28 1 | (ECF Nos. 9, 10.) On November 21, 2025, Plaintiff
filed the instant Motion for Reconsideration. 2 | (ECF No. 11.) 3 Federal Rule of Civil Procedure
("Rule") 60(b) allows a district court to relieve a party 4 | from a final judgment or order for "any
[] reason that justifies relief." Fed.

R. Civ. P. 60(b)(6). 5 | The moving party must demonstrate "extraordinary circumstances justifying
the reopening of a 6 | final judgment." *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005). However,
Rule 60(b)(6) "is to 7 | be used sparingly as an equitable remedy to prevent manifest injustice and
is to be utilized only 8 | where extraordinary circumstances prevented a party from taking timely
action to prevent or 9 | correct an erroneous judgment." *Harvest v. Castro*, 531 F.3d 737, 749 (9th
Cir.

2008) (internal 10 | citation omitted). The moving party "must demonstrate both injury and
circumstances beyond his 11 | control[.]" *Jd.* Additionally, Local Rule 230) requires a motion for
reconsideration to state, 12 | "what new or different facts or circumstances are claimed to exist
which did not exist or were not 13 | shown upon such prior motion, or what other grounds exist for
the motion" and "why the facts or 14 || circumstances were not shown at the time of the prior
motion." E.D.

Cal. L-R. 230(j)(3)-(4). 15 Here, Plaintiff has failed to demonstrate he is entitled to relief under Rule 60(b). 16 | Plaintiff's case was dismissed without prejudice for failure to pay the filing fee. Plaintiff's 17 || arguments based on the "fundamental fairness of justice" do not justify reopening this case under 18 | these circumstances. Further, Plaintiff has not shown any altered facts or circumstances that did 19 | not exist previously.

Accordingly, the Court DENIES Plaintiff's Motion for Reconsideration. 20 | (ECF No. 11.) 21 IT IS SO ORDERED. 22 | Date: December 12, 2025 24 TROY L. NUNLEY 35 CHIEF UNITED STATES DISTRICT JUDGE 26 27 28