

**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

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