App. A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT **FILED**

JAN 25 2022

MOLLY C. DWYER, CLERK

LEO KRAMER; AUDREY E. KRAMER, Plaintiffs-Appellants, v. JPMORGAN CHASE BANK, N.A.; et al.,	No. 20-15095 D.C. No. 3:18-cv-00001-MMD-WGC District of Nevada, Reno ORDER

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App. P. 35.

The Kramers' petition for panel rehearing and petition for rehearing en banc

(Docket Entry No. 53) are denied.

All other pending motions and requests are denied.

No further filings will be entertained in this closed case.

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 20 2021

MOLLY C. DWYER, CLERK

LEO KRAMER; AUDREY E. KRAMER, Plaintiffs-Appellants, v. JPMORGAN CHASE BANK, N.A.; et al.,	No. 20-15095 D.C. No. 3:18-cv-00001-MMD-WGC

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding
Submitted October 12, 2021**

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Leo and Audrey E. Kramer appeal pro se from the district court's order denying their motion for reconsideration in their action arising from foreclosure proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a denial of a motion under Federal Rule of Civil Procedure 60.

* This disposition is not appropriate for publication and is

** The panel unanimously concludes this case is suitable for decision without oral argument. The Kramers' request for oral argument, set forth in their briefs, is denied. *See* Fed. R. App. P. 34(a)(2). *Valdivia v. Schwarzenegger*, 599 F.3d 984, 988 (9th Cir. 2010). We affirm.

The district court did not abuse its discretion by denying the Kramers' motion for reconsideration under Rule 60(b) because the motion was filed more than one year after the entry of judgment and relied on evidence that was available before the entry of judgment. *See* Fed. R. Civ. P. 60(c)(1) (requiring a motion under Rule 60(b) to be made within a reasonable time, and for reasons (1), (2), and (3) no more than a year after the entry of the judgment); *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth grounds for relief under Rule 60(b)).

The district court did not abuse its discretion by denying the Kramers' motion for reconsideration under Rule 60(d)(3) because the Kramers failed to demonstrate any basis for relief.

See United States v. Estate of Stonehill, 660 F.3d 415, 443-45 (9th Cir. 2011) (a party must establish fraud on the court by clear and convincing evidence).

We reject as meritless the Kramers' contentions that the district court was required to state findings of fact and conclusions of law in its post-judgment order, *see* Fed. R. Civ. P. 52(c), or that they were entitled to an evidentiary hearing.

We do not consider arguments or allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009). We do not consider documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

The Kramers' motions for leave to file an oversized reply brief (Docket Entry Nos. 37 and 40) are granted. The Clerk will file the reply brief submitted at Docket Entry No. 38. All other pending motions are denied.

AFFIRMED.

App. C

United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:18-CV-00001-MMD-WGC,

DKT #: 86

Hon. Judge Amanda Du's ORDER of December 27, 2019:

MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Miranda M. Du on 12/27/2019. The Court dismissed Plaintiffs claims against Chase based on judicial estoppel (ECF No. 71), and judgment was entered on May 17, 2018 (ECF No 72). The Ninth Circuit Court of Appeals affirmed the Courts dismissal of Plaintiffs claims on May 29, 2019. (ECF No. 80.) Before the Court is Plaintiffs motion for relief from judgment under Fed. R. Civ. P. 60(b) and (d) filed on December 23, 2019. (ECF No. 84.) The Court denies Plaintiffs motion (ECF No. 84) seeking relief under Rule 60(b) because it was filed more than a year after entry of judgment. See Fed. R. Civ. P. 60(c)(1) (providing that a motion under Rule 60(b) must be filed within a reasonable time and generally within a year). Moreover, the Court finds that Plaintiffs failed to provide a valid reason entitling them to relief under Rule 60(d). **(no image attached)** (Copies have been distributed pursuant to the NEF - Houston, Thad) (Entered: 12/27/2019)