

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 17 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SHAWN OAKLIEF and DONNA ELLAR,

Plaintiffs - Appellants,

v.

JESSIE THOMAS and EMILY THOMAS,

Defendants - Appellees.

No. 23-2498

D.C. No. 2:22-cv-01887-SPL

District of Arizona,

Phoenix

ORDER

Before: SILVERMAN, R. NELSON, and MILLER, Circuit Judges.

The district court certified that this appeal is frivolous and revoked appellants' in forma pauperis status. On October 30, 2023, the court ordered appellants to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record, the responses to the October 30, 2023 order, and the opening brief filed on October 16, 2023, we conclude this appeal is frivolous. We therefore deny appellants' motions to proceed in forma pauperis (Docket Entry Nos. 17 and 22) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

DISMISSED.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Shawn Oaklief, et al.,

Plaintiffs,

vs.

Jessie Thomas, et al.,

Defendants.

No. CV-22-01887-PHX-SPL

ORDER

On January 9, 2023, the Court dismissed this action without prejudice for lack of subject matter jurisdiction (Doc. 22). Before the Court is Plaintiffs' renewed Motion to Reopen, Request for Change of Judge, and Court Order to Accept Video (Doc. 30).

The Court construes the motion as one for relief from judgment or order under Federal Rule of Civil Procedure 60(b). "Rule 60(b) allows a party to seek relief from a final judgment, and request reopening of [their] case, under a limited set of circumstances" which are enumerated in the rule. *Gonzalez v. Crosby*, 545 U.S. 524, 528 (2005). In reviewing the motion, the Court finds Plaintiffs have not cited to any legal standards, nor otherwise provided good cause for the Court to reopen the case. The motion is thus denied.¹

To the extent the parties seek a change of Judge, the request is likewise denied. Plaintiffs provide no reasoning for the request for recusal. "The standard for recusal under 28 U.S.C. §§ 144, 455 is 'whether a reasonable person with knowledge of all the facts

¹ Because this case will remain closed, the Motion to Accept Video is also denied.

**Additional material
from this filing is
available in the
Clerk's Office.**