

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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

PETER STROJNIK, P.C., an Arizona
Professional Corporation; et al.,

Plaintiffs - Appellants,

v.

CAN PAY MINING CO., INC., an
Arizona Corporation; et al.,

Defendants - Appellees.

No. 07-15826

D.C. No. CV-05-00637-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Roslyn O. Silver, District Judge, Presiding

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Peter Strojnik, P.C., appeals from the district court's order denying Strojnik's Motion to Reopen the Case to consider its Application for Supplemental Relief. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion, *Delay v. Gordon*, 475 F.3d 1039, 1043 (9th Cir. 2007), and we affirm.

The district court did not abuse its discretion by denying the supplemental relief requested by Strojnik because Strojnik presented no justification for its failure to seek the additional relief in the original judgment, and courts may not use Rule 60(b) of the Federal Rules of Civil Procedure to grant affirmative relief in addition to the relief contained in the prior order or judgment. *See id.* at 1044.

AFFIRMED.