

OCT 05 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR S. WEST,

Plaintiff - Appellant,

v.

WASHINGTON STATE DEPARTMENT
OF NATURAL RESOURCES; et al.,

Defendants - Appellees,

and

UNITED STATES SECRETARY OF
DEFENSE; et al.,

Defendants.

No. 08-35785

D.C. No. 3:07-05580-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted September 22, 2010**

Before: WALLACE, HAWKINS, and THOMAS, 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court did not abuse its discretion by denying Arthur S. West's ("West") motion to reconsider because he presented no grounds justifying relief under Federal Rule of Civil Procedure 60(b). *See Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985) (listing grounds for reconsideration under Rule 60(b)).

We lack jurisdiction to consider West's challenges to the underlying judgment because the notice of appeal was filed more than sixty days after entry of judgment, and the motion to reconsider did not toll the time to appeal from the judgment. *See Fed. R. App. P.* 4(a)(1)(B), (a)(4)(A)(vi).

West's remaining contentions are unpersuasive.

AFFIRMED.