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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff - Appellee,

v.

JOSEPH S. AMUNDSEN,

Defendant - Appellant.

No. 10-17759

D.C. No. 3:83-cv-00711-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Joseph S. Amundsen appeals pro se from the district court's order denying his motion to vacate a permanent injunction entered against him in 1983. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Casey*

* 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).

v. Albertson's Inc., 362 F.3d 1254, 1257 (9th Cir. 2004), and we affirm.

The district court did not abuse its discretion by denying Amundsen's motion under Fed. R. Civ. P. 60(b)(5) because Amundsen failed to demonstrate that any changed circumstances have made his compliance with the injunction "substantially more onerous, unworkable because of unforeseen obstacles, detrimental to the public interest, or legally impermissible." *SEC v. Coldicutt*, 258 F.3d 939, 942 (9th Cir. 2001) (district court did not abuse its discretion by denying the plaintiff's request to terminate a permanent injunction due to changed circumstances).

To the extent that Amundsen's motion falls within Fed. R. Civ. P. 60(b)(3), the district court lacked jurisdiction to consider it because Amundsen filed his motion more than one year after judgment was entered. *See* Fed. R. Civ. P. 60(c)(1) (Rule 60(b)(3) motion must be made within one year of entry of judgment); *Nevitt v. United States*, 886 F.2d 1187, 1188 (9th Cir. 1989) (a district court lacks jurisdiction to consider an untimely motion to set aside a judgment).

Amundsen's remaining contentions are unpersuasive.

AFFIRMED.