

APR 23 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEPHEN ROSS BENNETT,

Plaintiff - Appellant,

v.

OVERSEAS MILITARY SALES
GROUP/COMPANY/ORGANIZATION,
OMSG, OMSC, OMSO,

Defendant - Appellee.

No. 12-35246

D.C. No. 6:11-cv-06129-AA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, Chief Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Stephen Ross Bennett appeals pro se from the district court's orders denying his motions for reconsideration of the district court's judgment dismissing Bennett's diversity action for lack of personal jurisdiction. We have jurisdiction

* 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).

under 28 U.S.C. § 1291. We review for an abuse of discretion, *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993), and we affirm.

The district court did not abuse its discretion in denying Bennett's motions for reconsideration because Bennett failed to establish grounds for relief under either Federal Rule of Civil Procedure 59(e) or 60(b). *See id.* at 1263 (discussing circumstances warranting reconsideration or relief from judgment under Rule 59(e) and 60(b)). Because Bennett did not timely appeal from the district court's judgment, the merits of the underlying judgment are not before the court. *See Floyd v. Laws*, 929 F.2d 1390, 1400 (9th Cir. 1991).

We deny Bennett's motion for leave to enter new evidence, attached to the end of his opening brief, and his motion for summary affirmance, filed on August 13, 2012.

AFFIRMED.