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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LOUIS JAMES,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>NEVADA COUNTY; et al.,</p> <p>Defendants - Appellees.</p>
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No. 12-17356

D.C. No. 2:12-cv-01031-CMK

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Craig Kellison, Magistrate Judge, Presiding**

Submitted September 24, 2013***

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

California state prisoner Louis James appeals pro se from the district court's orders denying his motions for reconsideration of the district court's judgment

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

** James consented to proceed before a magistrate judge. See 28 U.S.C. § 636(c).

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

dismissing James's 42 U.S.C. § 1983 action alleging that defendants violated his constitutional rights in connection with the proceedings which led to his criminal conviction. We have jurisdiction 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 James's motions for reconsideration because James 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 James did not timely appeal from the district court's judgment, the merits of the underlying judgment are not before the court. *See Browder v. Dir., Dep't of Corr.*, 434 U.S. 257, 263 n.7 (1978).

AFFIRMED.