

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 7 2020

FOR THE NINTH CIRCUIT

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

U.S. SECURITIES & EXCHANGE
COMMISSION,

Plaintiff-Appellee,

v.

ANTHONY B. BRANDEL,

Defendant-Appellant.

No. 18-16685

D.C. No. 2:13-cv-02280-GMN-
PAL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

Anthony B. Brandel appeals pro se from the district court's order denying his post-judgment motions for reconsideration pursuant to Federal Rule of Civil Procedure 60 in this civil enforcement action brought by the Securities and Exchange Commission ("SEC"). We have jurisdiction under 28 U.S.C. § 1291.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

We review for an abuse of discretion. *Sch. Dist. No. 1J Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion by denying Brandel's motions for reconsideration under Rule 60(b) because Brandel failed to establish any basis for relief. *See id.* at 1263 (setting forth grounds for relief under Rule 60(b)).

To the extent that Brandel attempts to challenge the district court's underlying summary judgment, we lack jurisdiction because Brandel did not timely file a notice of appeal as to the underlying judgment, or post-judgment motion that tolled the time to file a notice of appeal as to the judgment. *See Fed. R. App. P. 4(a)(1)(B); 4(a)(4)(A)(vi); Harman v. Harper*, 7 F.3d 1455, 1458 (9th Cir. 1993) (appeal from denial of Rule 60(b) relief does not bring the entire underlying judgment up for review).

We do not consider documents not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990) ("Documents or facts not presented to the district court are not part of the record on appeal.").

Brandel's motion for leave to add supplemental evidence is denied.

AFFIRMED.