

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2020

FOR THE NINTH CIRCUIT

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

E. K. WADE,

Plaintiff-Appellant,

v.

WOODY GILLILAND; et al.,

Defendants-Appellees.

No. 19-15868

D.C. No. 3:10-cv-00425-WHA

MEMORANDUM*

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

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges.

E. K. Wade appeals pro se from the district court's post-judgment order denying relief from its June 24, 2010 pre-filing order. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Puente Ariz. v. Arpaio*, 821 F.3d 1098, 1103 (9th Cir. 2016) (denial of preliminary injunction); *Sch. Dist.*

* 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).

No. 1J, Multnomah Cty., Or. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993) (denial of reconsideration under Federal Rule of Civil Procedure 60(b)). We may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Denial of Wade's motion for injunctive relief from the district court's pre-filing order was not an abuse of discretion because Wade failed to demonstrate any basis for such relief. *See Jackson v. City & County of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014) (plaintiff seeking preliminary injunction must establish that he is likely to succeed on the merits, among other requirements); *Latshaw v. Trainer Wortham & Co., Inc.*, 452 F.3d 1097, 1102-03 (9th Cir. 2006) (explaining requirements for Rule 60(b)(6) relief).

We do not consider the underlying pre-filing order because the notice of appeal is untimely as to that order. *See Fed. R. App. P. 4(a)(1)(B)* (setting forth applicable 60-day time for filing notice of appeal); *Stephanie-Cardona LLC v. Smith's Food & Drug Ctrs., Inc.*, 476 F.3d 701, 703 (9th Cir. 2007) ("A timely notice of appeal is a non-waivable jurisdictional requirement.").

Wade's motion for reconsideration is denied.

AFFIRMED.