

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2020

FOR THE NINTH CIRCUIT

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

MARILYN COULON,

No. 19-55116

Plaintiff-Appellant,

D.C. No. 2:17-cv-05340-FMO-
FFM

v.

RICHARD D. FAIRBANK, CEO of Capital
One,

MEMORANDUM*

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Fernando M. Olguin, District Judge, Presiding

Submitted July 14, 2020**

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

Marilyn Coulon appeals pro se from the district court's post-judgment order denying her Fed. R. Civ. P. 60(b) motion in her action alleging violations of the Americans with Disabilities Act and the Fair Housing Act. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch.*

* 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).

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 Coulon’s post-judgment Rule 60(b) motion because Coulon failed to demonstrate any basis for relief. *See id.* at 1263 (grounds for relief from judgment under Rule 60(b)); *see also Casey v. Albertson’s Inc.*, 362 F.3d 1254, 1257, 1260 (9th Cir. 2004) (to prevail under Rule 60(b)(3), the “moving party must prove by clear and convincing evidence” that judgment was obtained through fraud, misrepresentation, or other misconduct that was not “discoverable by due diligence before or during the proceedings” (citation and internal quotation marks omitted)); *Feature Realty, Inc. v. City of Spokane*, 331 F.3d 1082, 1093 (9th Cir. 2003) (three-part test to prevail under Rule 60(b)(2)).

AFFIRMED.