

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 9 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-10239

Plaintiff-Appellee,

D.C. No. 2:14-cr-00678-DGC-1

v.

JOSEPH MARTIN,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona

David G. Campbell, District Judge, Presiding

Submitted February 7, 2023**
Phoenix, Arizona

Before: HAWKINS, GRABER, and CHRISTEN, Circuit Judges.

Defendant Joseph Martin (“Martin”) appeals the denial of his motion for relief from judgment filed under Rule 60(b) of the Federal Rules of Civil Procedure. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Martin cannot challenge the final order at issue under rules applicable to civil proceedings. Rule 1 of the Federal Rules of Civil Procedure unambiguously provides: “These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81.” The judgment and order from which Martin seeks relief were not entered in a civil case, but in a criminal proceeding. Civil Rule 60(b) simply does not provide for the relief Martin seeks.

AFFIRMED.