

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2025

FOR THE NINTH CIRCUIT

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

MARK DAVISCOURT,

No. 23-35397

Plaintiff-Appellant,

D.C. No. 2:18-cv-01148-RAJ

v.

MEMORANDUM\*

GWANNETTE M. CLAYBROOK, et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Western District of Washington  
Richard A. Jones, District Judge, Presiding

Submitted April 22, 2025\*\*

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

Mark Daviscourt appeals pro se from the district court's order denying his motion to vacate the judgment under Federal Rule of Civil Procedure 60(d)(3) in his 42 U.S.C. § 1985(3) action challenging the government's efforts to collect on Daviscourt's federal tax liability. We have jurisdiction under 28 U.S.C. § 1291.

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\* 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. *United States v. Sierra Pac. Indus., Inc.*, 862 F.3d 1157, 1166 (9th Cir. 2017). We affirm.

The district court did not abuse its discretion in denying Daviscourt’s motion to vacate the judgment under Rule 60(d)(3) because Daviscourt failed to establish fraud on the court. *See id.* at 1168 (to constitute fraud on the court, the conduct at issue must “harm[] the integrity of the judicial process” through an “unconscionable plan” that “go[es] to the central issue in the case” (citations and internal quotation marks omitted)).

Daviscourt’s motion to amend the caption (Docket Entry No. 5) is denied.

**AFFIRMED.**