

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2025

FOR THE NINTH CIRCUIT

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

SEANTAIN COOK,

Plaintiff - Appellant,

v.

COUNTY OF MARICOPA; CENTURION
HEALTH SERVICES; ITORO
ELIJAH; LAWRENCE ENDE; NANCY
SMITH; UNKNOWN PARTY, Named as
John Doe; UNKNOWN PARTIES, Named
as Jane Does #1 and 2; CORIZON
HEALTH CARE SERVICES,

Defendants - Appellees.

No. 24-3426

D.C. No. 2:21-cv-01752-JJT-JZB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John Joseph Tuchi, District Judge, Presiding

Submitted September 17, 2025**

Before: SILVERMAN, OWENS, and BRESS, Circuit Judges.

Arizona state prisoner Seantain Cook appeals pro se from the district court's

* 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).

order denying a post-judgment motion seeking relief under Federal Rule of Civil Procedure 60. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *United States v. Sierra Pac. Indus., Inc.*, 862 F.3d 1157, 1166 (9th Cir. 2017) (Fed. R. Civ. P. 60(d)(3)); *Appling v. State Farm Mut. Auto. Ins. Co.*, 340 F.3d 769, 780 (9th Cir. 2003) (Fed. R. Civ. P. 60(d)(1)); *Sch. Dist. No. 1J, Multnomah County., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993) (Fed. R. Civ. P. 60(b)). We affirm.

The district court did not abuse its discretion in denying Cook’s post-judgment motion because Cook failed to file the motion in a timely manner or establish any basis for relief. *See* Fed. R. Civ. P. 60(c)(1) (motions under Rule 60(b)(1), (2), or (3) must be made “no more than a year after the entry of the judgment”); Fed. R. Civ. P. 60(d) (setting forth limited circumstances for equitable relief); *Latshaw v. Trainer Wortham & Co.*, 452 F.3d 1097, 1103 (9th Cir. 2006) (“[A] party who moves for [Rule 60(b)(6)] relief must demonstrate both injury and circumstances beyond his control that prevented him from proceeding with . . . the action in a proper fashion.” (citation and internal quotation marks omitted)).

We lack jurisdiction to consider Cook’s contentions related to the district court’s judgment dismissing the action because Cook did not timely appeal from that judgment. *See* Fed. R. App. P. 4(a) (notice of appeal must be filed within 30 days of the entry of judgment); *Tillman v. Ass’n of Apartment Owners of Ewa*

Apartments, 234 F.3d 1087, 1089 (9th Cir. 2000) (“The court of appeals lacks jurisdiction to decide an appeal if the notice of appeal is not timely filed.”).

All pending motions are denied.

AFFIRMED.