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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:22-cv-00546-JSW

EMILY REBÔLO, ET AL

DEFENDANTS

MOTION FOR RELIEF OF JUDGMENT

Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Motion for Relief of Judgment pursuant to Federal Rule of Civil Procedure 60.

1. There is currently a pending motion for leave to file a motion for reconsideration. See Dkt. 21. This motion was filed before the entry of judgment (which is Dkt. 22), so it is still validly before the court. However, I spoke with California's pro bono office today, and they advised me that the filing of that motion may, but also may not, toll the 30-day time limit to file a notice of appeal. They said that the best thing I could do to ensure that this time limit is tolled is to file a Motion for Relief of Judgment pursuant to Rule 60¹. That is what I am doing now. This motion is not being filed just to arbitrarily increase the Court's workload, but to ensure that the Court can rule on my pleas for reconsideration before I am forced to appeal.

2. Rule 60(b)(6) allows the Court to set aside a judgment for “any other reason that justifies relief,” even if that reason is not explicitly stated in Rule 60(b).

3. As I stated in Dkt. 21, there are several reasons this Court should vacate the judgment against me, including but not limited to ...

(a) The judge has openly admitted to holding a personal grudge against me because I

¹ See Federal Rule of Appellate Procedure 4(a)(4)(A)(vi) (“If a party files in the district court any of the following motions under the Federal Rules of Civil Procedure—and does so within the time allowed by those rules—the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion ... for relief under Rule 60 if the motion is filed no later than 28 days after the judgment is entered.”)

issued the voluntary dismissal that he didn't like, thereby violating my absolute right to an impartial judge. Therefore, the judge should have recused himself.

(b) The Court erroneously declared my Accidental Livestream to be not copyrightable in the related case. As such, all rulings in this case that were, in whole or in part, based on that finding are likewise in error.

(c) The Court made an absolutely ridiculous finding that, because of a sliiiiight clerical error in my application for registration of the accidental livestream (one that I didn't even do on purpose), all my future registrations are likewise null and void. This is an absolutely preposterous finding that is clearly just designed to punish me for issuing the voluntary dismissal, not because the merits of the case actually warrant such a nuclear response. This only further demonstrates that the judge is just biased against me and should recuse.

(d) The Court made rulings on the affirmative defense of fair use without giving me a chance to even argue my case against it. This is a blatant violation of my due process rights, and one the judge only did because he personally doesn't like me.

(e) The Court made the out-of-the-blue finding that I am simply trying to silence criticism, even though there is absolutely no evidence on the record (or any evidence anywhere, aside from the defendants' uncorroborated accusations against me) to support such a finding. This blatant violation of my due process rights (making a dispositive ruling on a extremely damning accusation without me getting my day in court on the accusation) is further proof that the judge is only issuing rulings out of anger because he doesn't like me, and therefore should recuse.

4. The contents of Dkt. 159 are hereby incorporated by reference.

Wherefore, premises considered, I respectfully request that the judgment be vacated. So requested on this 25th day of July, 2022.

/s/ David Stebbins
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