

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, TAMPA DIVISION

Irene J. Pridgen v. US Bank Trust National Association et al.

Pridgen · No. 8:25-cv-3003-KKM-AAS · Decided January 13, 2026

SUMMARY

The United States District Court for the Middle District of Florida grants Irene J. Pridgen’s motion under Federal Rule of Civil Procedure 60(b) for relief from the final judgment dismissing her complaint as a shotgun pleading. The court vacates the judgment, reopens the case, and permits Pridgen to file a second amended complaint by January 27, 2026.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Tampa Division                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Kathryn Kimball Mizelle                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Middle District of Florida, Tampa Division                                                                                                                                                                                                                 |
| DECIDED               | January 13, 2026                                                                                                                                                                                                                                                                                |
| DOCKET                | 8:25-cv-3003-KKM-AAS                                                                                                                                                                                                                                                                            |
| DISPOSITION           | vacated                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Plaintiff moved under Federal Rules of Civil Procedure 59(e) and 60(b) to reconsider, vacate, and reopen the case after the court dismissed her complaint without prejudice as a shotgun pleading and entered judgment when she failed to amend by the date certain set in the dismissal order. |
| STANDARD OF REVIEW    | Relief from a final judgment under Rule 60(b) is discretionary and may be granted for excusable neglect; the court evaluated the timing of the motion, the reason for delay, the minimal duration of the delay, and prejudice to the defendants.                                                |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                                         |
| PARTIES               | Irene J. Pridgen v. US Bank Trust National Association et al.                                                                                                                                                                                                                                   |

TOPICS

motion for reconsideration

motion to amend

pleadings

civil procedure

equitable relief

## PRACTICE AREAS

civil procedure

remedies

## QUESTIONS PRESENTED

1. Whether Rule 6(d)'s three-day extension for service by mail applied to a deadline set on a specific calendar date.
2. Whether Pridgen was entitled to relief from the final judgment under Rule 60(b) based on excusable neglect.
3. Whether the judgment should be vacated and the case reopened to permit Pridgen to file an amended complaint.

## HOLDINGS

1. Rule 6(d) does not extend a deadline stated as a fixed calendar date; it applies when a party must act within a specified period after service.
2. Rule 60(b) relief was warranted because Pridgen's deadline miscalculation, possibly delayed receipt of the dismissal order, and related circumstances constituted excusable neglect.

## KEY QUOTATIONS

““‘[E]xcusable neglect’ is understood to encompass situations in which the failure to comply with a filing deadline is attributable to negligence.””

## FACTUAL BACKGROUND

Pridgen, proceeding pro se, received the dismissal order by mail later than expected and did not file an amended complaint or request an extension by the December 18 deadline. After judgment was entered, she sought an extension and later moved under Rules 59(e) and 60(b), explaining that a family member's medical emergency impaired her ability to prepare an amended complaint. The court found that her deadline miscalculation, possibly delayed receipt of the order, minimal delay, and lack of discernable prejudice constituted excusable neglect warranting relief.

## PROCEDURAL HISTORY

The court dismissed Pridgen's complaint on December 4, 2025, gave her until December 18 to amend, and entered judgment on December 22 after she failed to amend or timely seek an extension. Pridgen filed an extension motion after judgment, which the court denied. She then filed an emergency motion for reconsideration and relief from judgment. The court granted Rule 60(b) relief, vacated the judgment, reopened the case, and allowed her to file a second amended complaint by January 27, 2026.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The Clerk was directed to vacate the judgment and reopen the case. Pridgen was permitted to file a second amended complaint remedying the shotgun-pleading defects no later than January 27, 2026.

## CASES CITED

- Automatic Alignment & Body Service, Inc. v. State Farm Mutual Automobile Insurance Co., 953 F.3d 707, 719-20 (11th Cir. 2020)
- Hertz Corp. v. Alamo Rent-A-Car, Inc., 16 F.3d 1126, 1132-33 (11th Cir. 1994)
- Destra v. Demings, 725 F. App'x 855, 859 (11th Cir. 2018) (per curiam)
- Violette v. P.A. Days, Inc., 427 F.3d 1015, 1016 (6th Cir. 2005)
- Juravin v. Rada, No. 5:24-CV-618-PGB-PRL, 2025 WL 1665725, at \*3 & n.2 (M.D. Fla. June 12, 2025)
- Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership, 507 U.S. 380, 394 (1998)
- Cheney v. Anchor Glass Container Corp., 71 F.3d 848, 850 (11th Cir. 1996)

## OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION  
IRENE J. PRIDGEN, Plaintiff, v. Case No. 8:25-cv-3003-KKM-AAS US BANK TRUST  
NATIONAL ASSOCIATION et al., Defendants. ORDER On December 4, 2025, I dismissed pro se plaintiff Irene Pridgen's complaint as a shotgun pleading and provided her with leave to amend no later than December 18, 2025.

(Doc. 4). On December 8, 2025, the Clerk mailed the order to Pridgen. On December 19, 2025, after Pridgen failed to timely file an amended complaint or move for an extension of the deadline, my dismissal order "bec[ame] a final judgment." *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719–20 (11th Cir. 2020) (citing *Hertz Corp. v. Alamo Rent-A-Car, Inc.*, 16 F.3d 1126, 1132–33 (11th Cir.

1994)). Accordingly, I dismissed this action without prejudice and the clerk entered judgment on December 22, 2025. (Docs. 5, 6). That same day, but after entry of final judgment, Pridgen filed a motion for extension of time to file an amended complaint, claiming that she did not receive the order of dismissal until December 16, 2025. (Doc. 8) at 2.

Because I no longer had "prejudgment powers to grant any more extensions of time to amend the complaint," *Auto. Alignment*, 953 F.3d at 720 (citation modified), I denied Pridgen's motion and explained that the case was closed and that she could file a new action, (Doc. 9).

On January 6, 2026, Pridgen filed an "emergency" motion for reconsideration and to reopen the case under Federal Rules of Civil Procedure 59(e) and 60(b). Mot. (Doc. 10). Pridgen explains that

she did not receive the order of dismissal until two days before her amended complaint was due and that a family member's "medical emergency limited her ability to prepare an amended complaint." *Id.* at 2.

Further, Pridgen argues that her earlier motion for an extension was timely filed because "[f]ederal law adds 3 days" for litigants served by mail. *Id.* at 2. Federal Rule of Civil Procedure 6(d), in some circumstances, provides three additional days to act when a party is served by mail. Likely on this basis, Pridgen suggests that the amendment deadline was Sunday, December 21, 2025.

Mot. at 1. And because Rule 6(a)(1)(C) provides that if a deadline falls on a weekend, "the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday," Pridgen argues that the deadline to amend or move for an extension "automatically" became Monday, December 22, 2025, see Mot. at 2. Pridgen's view is incorrect. Rule 6 provides general rules for computing time.

For example, Rule 6(a)(1) instructs how to compute a deadline when "the period is stated in days or a longer unit of time" and Rule 6(a)(2) explains how to do the same when "the period is stated in hours." Rule 6(d)—the provision on which Pridgen appears to rely—states that "[w]hen a party may or must act within a specified time after being served and service is made under Rule 5(b)(2) (C) (mail)," then "3 days are added after the period would otherwise expire under Rule 6(a)." So, for example, if the dismissal order provided that Pridgen was "granted leave to amend the complaint no later than fourteen days after this order," then Rule 6(d) would provide for a three-day extension because Pridgen was served by mail.

The order, though, set "a deadline on a date certain." *Destra v. Demings*, 725 F. App'x 855, 859 (11th Cir. 2018) (*per curiam*). Rule 6(a), and thus Rule 6(d)'s extension, does not apply "when a fixed time to act is set." FED. R. CIV. P. 6(a) advisory committee's note to 2009 amendment; see *Violette v. P.A. Days, Inc.*, 427 F.3d 1015, 1016 (6th Cir. 2005) (concluding that Rule 6(a) "does not apply to situations where the court has established a specific calendar day as a deadline"); *Juravin v. Rada*, No. 5:24-CV-618-PGB-PRL, 2025 WL 1665725, at \*3 & n.2 (M.D.

Fla. June 12, 2025). Pridgen's motion for an extension to file her amended complaint—filed after judgment was entered—was untimely. That said, Rule 60(b) allows for relief from a final judgment in the case of "excusable neglect." Pridgen's miscalculation of the filing deadline, complicated further by the possibly delayed receipt of the dismissal order, constitutes a basis for relief under this provision.

See *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 394 (1998) ("'[E]xcusable neglect' is understood to encompass situations in which the failure to comply with a filing deadline is attributable to negligence.").

Because this litigation is in its infancy, the delay is minimal, and there is no discernable prejudice to the defendants, the equities weigh in favor of vacating the judgment and reopening the case. See *Cheney v. Anchor Glass Container Corp.*, 71 F.3d 848, 850 (11th Cir. 1996). I therefore GRANT Pridgen's Rule 60(b) motion.

Accordingly, the following is ORDERED: 1. Pridgen's Rule 60(b) Motion (Doc. 10) is GRANTED. 2. The Clerk is directed to VACATE the judgment (Doc. 6) and REOPEN the case. 3. No later than January 27, 2026, Pridgen may file a second amended complaint that remedies the shotgun pleading issues identified in this Court's previous order. ORDERED in Tampa, Florida, on January 18, 2026. athryn'Kimball Mizelle United States District Judge