

**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

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

