

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
WEST VIRGINIA

Jason Steven Kokinda v. Cpl. T.H. Foster, et al.

Kokinda · No. 3:21-cv-00154 · Decided March 23, 2026

SUMMARY

The United States District Court for the Northern District of West Virginia denied Jason Steven Kokinda’s motion to reconsider the dismissal of his civil action. The court held that Kokinda had received adequate notice to object to a prior proposed findings and recommendation and had not shown an intervening change in law, newly discovered evidence, or clear error. The court also rejected his challenges concerning malicious prosecution, false arrest, alleged conspiracies, Vermont sex-offender registry notes, and personal jurisdiction over out-of-state defendants.

CASE DETAILS

COURT	United States District Court for the Northern District of West Virginia
JURISDICTION	United States District Court for the Northern District of West Virginia
DECIDED	March 23, 2026
DOCKET	3:21-cv-00154
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 54(b), and alternatively invoked Rule 60(b)(3), seeking reconsideration of the court's prior memorandum opinion and order that adopted a magistrate judge's proposed findings and recommendations in part, denied amendment, granted summary judgment to defendants, and dismissed the case.
STANDARD OF REVIEW	A motion to reconsider an interlocutory order under Rule 54(b) is reviewed within the district court's broad but limited discretion. Reconsideration is appropriate only for an intervening change in controlling law, newly discovered evidence previously unavailable, or the need to correct clear or manifest error of law or fact or prevent manifest injustice.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion; precedential status unknown
PARTIES	Jason Steven Kokinda v. Cpl. T.H. Foster, Defendants

TOPICS

motion for reconsideration

civil procedure

prisoners rights

section 1983

personal jurisdiction

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

personal jurisdiction

QUESTIONS PRESENTED

1. Whether the court should reconsider its prior interlocutory rulings because plaintiff allegedly lacked adequate notice of a proposed findings and recommendations.
2. Whether plaintiff demonstrated grounds under Rule 54(b) or Rule 60(b)(3) to revisit the prior disposition of his malicious-prosecution and false-arrest claims.
3. Whether plaintiff presented evidence creating a genuine dispute regarding allegedly false or misleading warrant affidavits and probable cause.
4. Whether Vermont sex-offender-registry notes and an alleged retaliatory conspiracy warranted reconsideration or established personal jurisdiction over out-of-state defendants.

HOLDINGS

1. An interlocutory order may be reconsidered under Rule 54(b) only upon an intervening change in controlling law, newly discovered evidence previously unavailable, or a need to correct clear or manifest error of law or fact or prevent manifest injustice.
2. A motion for reconsideration may not be used merely to rehash arguments previously raised and rejected or to present arguments that could have been raised earlier.
3. Plaintiff received sufficient notice to timely object to the proposed findings and recommendations because the court mailed the PF&R to the last address plaintiff had provided to the clerk.
4. A plaintiff challenging probable cause based on allegedly false or misleading warrant affidavits must present evidence sufficient to create a genuine dispute that officers intentionally or recklessly included false statements or omitted material facts with an intent to mislead; conclusory allegations are insufficient.
5. Plaintiff failed to establish personal jurisdiction under either a conspiracy theory or the effects test because he did not identify specific defendants, acts, or facts satisfying the applicable elements.

KEY QUOTATIONS

“prior rulings cannot be disturbed unless there has been “(1) an intervening change in controlling law; (2) the discovery of new evidence not previously available; [or there becomes] (3) [a] need to correct clear or manifest error in law or fact, to prevent manifest injustice.”” (2)

“They are “an extraordinary [request] which should be used sparingly.”” (3)

“Simply put, there is no second bite at the apple.” (3)

FACTUAL BACKGROUND

Plaintiff, a federal prisoner and thrice-convicted sex offender, alleged a multistate conspiracy involving public officials, law-enforcement officers, judges, prosecutors, and private parties. He asserted claims arising from obstruction, sexual-abuse, failure-to-register, and illicit-material prosecutions, and alleged that the prosecutions were retaliatory and supported by false or misleading information. The district court concluded that his reconsideration arguments largely repeated previously rejected allegations and were unsupported by evidence, discovery, or authenticated Vermont registry notes.

PROCEDURAL HISTORY

Kokinda filed this prisoner civil-rights action in 2021. A magistrate judge recommended denial of amendment, summary judgment for defendants, and dismissal; the district court overruled Kokinda's objections, adopted the recommendation in part, and dismissed the case. Kokinda then moved for reconsideration, asserting inadequate notice, errors in the treatment of malicious-prosecution and false-arrest claims, and failure to consider Vermont sex-offender-registry notes and an alleged retaliatory conspiracy. The district court denied reconsideration and warned that any further reconsideration motions would be summarily denied.

DISPOSITION

other

CASES CITED

- United States v. Kokinda, 93 F.4th 635 (4th Cir. 2024)
- Fayetteville Invs. v. Com. Builders, Inc., 936 F.2d 1462, 1469-70 (4th Cir. 1991)
- Carlson v. Bos. Sci. Corp., 856 F.3d 320, 325-26 (4th Cir. 2017)
- U.S. Tobacco Coop. Inc. v. Big S. Wholesale of Va., LLC, 899 F.3d 236, 257 (4th Cir. 2018)
- Am. Canoe Ass'n v. Murphy Farms, Inc., 326 F.3d 505, 514 (4th Cir. 2003)
- Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998)
- Regan v. City of Charleston, 40 F. Supp. 3d 698, 702 (D.S.C. 2014)
- Wooten v. Commonwealth of Virginia, 168 F. Supp. 3d 890, 893 (W.D. Va. 2016)
- TFWS, Inc. v. Franchot, 572 F.3d 186, 191 (4th Cir. 2009)
- Norfolk S. Ry. v. Nat'l Union Fire Ins. of Pittsburgh, 999 F. Supp. 2d 906, 918 (S.D. W. Va. 2014)
- Hupp v. Cook, 931 F.3d 307, 324 (4th Cir. 2019)
- Franks v. Delaware, 438 U.S. 154, 155-56, 171 (1978)
- Miller v. Prince George's County, 475 F.3d 621, 627 (4th Cir. 2007)
- United States v. Moody, 931 F.3d 366, 370-71 (4th Cir. 2019)
- Walker v. Prince George's County, 575 U.S. 426, 431 (4th Cir.)
- Ashcroft v. Iqbal, 560 U.S. 662, 678 (2009)
- State v. Beegle, 237 W. Va. 692, 533 n.6 (2016)
- Allen v. Louis, 2015 WL 6125520, at *4 (D.S.C. Oct. 15, 2015), aff'd, 633 F. App'x 594 (4th Cir. 2016)

- Grace v. Sparks, 2016 WL 8200508, at *1 (S.D. W. Va. July 2016)
- JKC Holding Co. v. Washington Sports Venture, LLC, 264 F.3d 459, 465 (4th Cir. 2001)
- Se. Const., Inc. v. Tanknology-NDE Int'l, Inc., No. CIV.A. 3:05-210, 2005 WL 3536239, at *9 (S.D. W. Va. Dec. 22, 2005)
- Carefirst of Maryland, Inc. v. Carefirst Pregnancy Centers, Inc., 334 F.3d 390, 397 n.7 (4th Cir. 2003)
- Grandison v. Schaefer, 37 F.3d 1493 (4th Cir. 1994)

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