

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Sherri Strole v. Mark Wirth, et al.

Strole · No. CV-24-08211-PCT-DJH · Decided April 2, 2026

SUMMARY

The United States District Court for the District of Arizona denied Sherri Strole’s motion to waive fees, reinstate and consolidate her case, and expand or assign legal counsel. The court held that Plaintiff failed to establish grounds for relief from judgment under Federal Rule of Civil Procedure 60(b), and that consolidation with state-court cases was unavailable; the case therefore remained closed.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 2, 2026
DOCKET	CV-24-08211-PCT-DJH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) to reinstate a civil-rights action that had been closed for failure to prosecute, and also sought consolidation, waiver of fees and costs, and appointment or assignment of counsel.
STANDARD OF REVIEW	Relief from a final judgment under Rule 60(b) requires the moving party to establish grounds for relief; the moving party bears the burden of demonstrating that such relief is appropriate.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.

TOPICS

- civil procedure
- joinder
- costs

PRACTICE AREAS

- civil procedure
- federal civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff established a basis for relief from the judgment under Federal Rule of Civil Procedure 60(b).
2. Whether the federal court could consolidate this closed federal action with cases pending in state court or with other federal cases.
3. Whether Plaintiff's requests to waive fees and costs and appoint or assign counsel remained viable after denial of reinstatement.

HOLDINGS

1. Because Plaintiff filed her motion for reinstatement more than ten days after entry of judgment, the request was properly treated as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
2. Plaintiff did not make the required showing for relief from the judgment under any provision of Rule 60(b), so reinstatement was denied.
3. Federal Rule of Civil Procedure 42(a) does not authorize consolidation of a federal case with a case pending in state court, and consolidation with other federal cases was unavailable because this action was closed and would remain closed.
4. The requests to waive fees and costs and appoint or assign counsel were denied as moot because the case would not be reinstated.

KEY QUOTATIONS

“Rule 60(b) permits a district court to relieve a party from a final order or judgment on the following grounds: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud or misrepresentation of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied or discharged; or (6) any other reason justifying relief.” (at 1)

“Simply put, Plaintiff has not made the proper showing to establish grounds for relief under any of the above circumstances.” (at 2)

“It does not enable the Court to consolidate its federal court case with a case filed in state court, even if there is common parties and subject matter.” (at 2)

FACTUAL BACKGROUND

Plaintiff's case had been closed for failure to prosecute after she allegedly was unable to satisfy service requirements. She later claimed that the dismissal was erroneous and that clerks had denied return of summonses with conformed copies, but offered no further explanation or proof and did not explain the approximately six-month delay in seeking reinstatement. She also sought to consolidate this federal action with several state-court cases and other cases in the district.

PROCEDURAL HISTORY

The action was closed on August 4, 2025, for failure to prosecute. On December 3, 2025, Plaintiff filed a motion seeking relief from the judgment, consolidation of this action with several state and federal cases, waiver of fees

and costs, and counsel. The court treated the reinstatement request as a Rule 60(b) motion because it was filed more than ten days after entry of judgment, denied all requested relief, and ordered that the matter remain closed.

DISPOSITION

dismissed

CASES CITED

- American Ironworks & Erectors, Inc. v. North Am. Constr. Corp., 248 F.3d 892, 898–99 (9th Cir. 2001)
- Bailey v. United States, 250 F.R.D. 446, 448 (D. Ariz. 2008)
- O’Donahue v. Tuugiboss Trans Inc., 2024 WL 1533612, at *2 (W.D. Wash. 2024)

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