

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

OPINION

Strole

PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Sherri Strole, No. CV-24-08211-PCT-DJH 10 Plaintiff, ORDER 11 v. 12 Mark Wirth, et al., 13
Defendants. 14 15 On December 3, 2025, Plaintiff Sherri Strole (“Plaintiff”) filed a Motion for
Waiver 16 of All Fees and Costs (including reproduction costs for case files, transcripts, and 17
recordings), and Motion to Reinstate Case and Consolidate and Expand or Assign Legal 18
Counsel (Doc. 19). 19 Plaintiff’s case was closed for failure to prosecute on August 4, 2025. 20
(See Doc. 18). Plaintiff now requests the reinstatement of her case, claiming that she was 21
“unable to meet the traditional and restricted (by clerks) service requirement that led to 22
dismissal.” (Doc. 19 at 2). Because Plaintiff submitted her motion for reinstatement more 23 than
ten days after entry of judgment, the Court must treat it as a motion for relief from 24 judgment
pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. See American 25 Ironworks &
Erectors, Inc. v. North Am. Constr. Corp., 248 F.3d 892, 898–99 (9th Cir. 26 2001). Rule 60(b)
permits a district court to relieve a party from a final order or judgment 27 on the following
grounds: (1) mistake, inadvertence, surprise, or excusable neglect; (2) 28 newly discovered
evidence; (3) fraud or misrepresentation of an adverse party; (4) the 1 judgment is void; (5) the
judgment has been satisfied or discharged; or (6) any other reason 2 justifying relief. Fed. R. Civ.
P. 60(b). 3 Although Plaintiff states that the dismissal of her case was “in error” and the “clerks 4
denied return of summons with conformed copies in order to facilitate traditional service,” 5 she
provides no further explanation or proof, nor does she explain why she was waited 6 months after
her case was closed to bring this Motion. (See Doc. 19 at 2). Simply put, 7 Plaintiff has not made
the proper showing to establish grounds for relief under any of the 8 above circumstances. Bailey
v. United States, 250 F.R.D. 446, 448 (D. Ariz. 2008) (“A 9 party seeking relief from the judgment
has the burden of demonstrating such relief is 10 appropriate.”) 11 Plaintiff also seeks to
consolidate several state court cases into this matter. (See
12 Doc. 19 at 5–6). However, this request is futile. Fed. Rule Civ. Proc. 42(a) only permits
13 consolidation of cases “before the court.” Id. (emphasis added). It does not enable the 14 Court
to consolidate its federal court case with a case filed in state court, even if there is 15 common

parties and subject matter. See *O'Donahue v. Tuugiiboss Trans Inc.*, 2024 WL 16 1533612, *2 (W.D. Wash. 2024); 9A C. Wright & A. Miller, *Federal Practice and Procedure* § 2382 (3d ed. 2023) (“[A] court may not consolidate an action pending in 18 federal court with an action pending in state court.”). Her requests to consolidate other 19 cases in this District into this matter (see Doc. 19 at 5–6), likewise, fails because this case 20 is closed and will remain closed. 21 Lastly, Plaintiff’s requests to waive all fees and appoint counsel are denied as moot 22 because her case will not be reinstated. 23 Accordingly, 24 /// 25 /// 26 /// 27 /// 28 /// 1 IT IS ORDERED that Plaintiff’s Motion for Waiver of All Fees and Costs 2|| (including reproduction costs for case files, transcripts, and recordings), and Motion to ☐☐ Reinstatement Case and Consolidate and Expand or Assign Legal Counsel (Doc. 19) is 4|| DENIED. This matter shall remain closed. 5 Dated this 2nd day of April, 2026. 6 8 norable’ Diangd. Huntetewa 9 United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _3-