

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Kimberly Johnson v. Kentucky Department of Education, et al.

Johnson · No. 3:23-cv-00049-GFVT-MAS · Decided June 17, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Kimberly Johnson’s emergency motion for reconsideration of the denial of her motion for a temporary restraining order. The court held that Federal Rule of Civil Procedure 59(e) did not provide relief from the interlocutory order and that Johnson had not shown a factual or legal error warranting relief under Rule 60(b)(1), including because the state administrative disciplinary process remained ongoing and the alleged harm was speculative.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	June 17, 2026
DOCKET	3:23-cv-00049-GFVT-MAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rules of Civil Procedure 59(e) and 60(b)(1) for reconsideration of the denial of her motion for a temporary restraining order.
STANDARD OF REVIEW	A motion under Rule 59(e) may be granted for clear error of law, newly discovered evidence, an intervening change in law, or to prevent manifest injustice. Rule 59(e) does not provide relief from an interlocutory, nonappealable order. Under Rule 60(b)(1), relief may be granted for mistake, inadvertence, surprise, or excusable neglect, including legal and factual errors.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is not designated in the source.

PARTIES

Kimberly Johnson v. Kentucky Department of Education, et al.

TOPICS

motion for reconsideration

injunctions

administrative law

civil procedure

federalism

PRACTICE AREAS

Civil procedure

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Federal courts

Injunctive relief

QUESTIONS PRESENTED

1. Whether Rule 59(e) provides a mechanism for reconsideration of an interlocutory, nonappealable order denying a temporary restraining order.
2. Whether Johnson was entitled to relief under Rule 60(b)(1) based on an alleged factual or legal error concerning the recommended revocation of her professional certificates.

HOLDINGS

1. Rule 59(e) does not provide a mechanism for relief from an interlocutory, nonappealable order, including an order denying a temporary restraining order.
2. Johnson was not entitled to relief under Rule 60(b)(1) because the Court made no factual or legal error that affected its denial of the temporary restraining order.

KEY QUOTATIONS

“Because the Order which Dr. Johnson seeks reconsideration is an interlocutory, non-appealable order, Rule 59(e) does not provide a mechanism for relief.” (Section II)

“Consequently, with no error of fact or law to correct, the Court must deny Dr. Johnson’s Motion for Reconsideration.” (Section II)

FACTUAL BACKGROUND

Johnson was subject to a Kentucky Education Professional Standards Board administrative proceeding involving potential revocation of educator certificates. The hearing officer recommended revocation of her counseling and administrator certificates but no action against her teaching certificate. Johnson sought federal injunctive relief to prevent the EPSB from issuing or enforcing a final order, asserting that the Court had misunderstood the nature and effect of the certificates. The Court concluded that the challenged statement merely accurately reported the parties' and hearing officer's recommendation and had not affected the prior irreparable-harm analysis.

PROCEDURAL HISTORY

Johnson sought a temporary restraining order, preliminary injunction, and relief from a stay imposed under Younger abstention while state administrative disciplinary proceedings were pending. The Court denied the temporary restraining order because the alleged harm was speculative, was not shown to be irreparable, would

not necessarily occur within the requested period, and federal interference with the state administrative proceeding was disfavored. Johnson then moved for partial reconsideration, arguing that the Court had made a critical factual and legal error concerning the effect of the recommended certificate sanctions.

DISPOSITION

other

CASES CITED

- GenCorp, Inc. v. American International Underwriters, 178 F.3d 804, 834 (6th Cir. 1999)
- Wong-Opasi v. Haynes, 8 F. App'x 340, 342 (6th Cir. 2001)
- Overstreet v. Lexington-Fayette Urban County Government, 305 F.3d 566, 572 (6th Cir. 2002)
- Kemp v. United States, 596 U.S. 528, 535-37 (2022)

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