

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Blackburn v. United States

Blackburn · No. CIV-22-983-G · Decided April 7, 2026

SUMMARY

The court denied Plaintiff Tyeashia M. Blackburn’s motion for sanctions under Federal Rule of Civil Procedure 11, finding no sanctionable conduct by defense counsel. The court also held that Plaintiff failed to comply with Rule 11’s 21-day safe-harbor requirement and denied Defendant’s motion to strike Plaintiff’s supplemental briefs.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Charles B. Goodwin
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	April 7, 2026
DOCKET	CIV-22-983-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for sanctions against Defendant's counsel under Federal Rule of Civil Procedure 11(c)(1), and Defendant moved to strike Plaintiff's supplemental briefs.
STANDARD OF REVIEW	The court applied Rule 11's objective certification and safe-harbor requirements; the cited Tenth Circuit authority states that granting Rule 11 sanctions despite noncompliance with the safe-harbor provision is an abuse of discretion.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Tyeashia M. Blackburn v. United States

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- sanctions

QUESTIONS PRESENTED

1. Whether Defendant's counsel engaged in conduct warranting sanctions under Federal Rule of Civil Procedure 11.
2. Whether Plaintiff's failure to serve the sanctions motion before filing it violated Rule 11(c)(2)'s 21-day safe-harbor requirement.
3. Whether Defendant's motion to strike Plaintiff's supplemental briefs should be granted.

HOLDINGS

1. Defendant's counsel did not violate Rule 11 by citing Plaintiff's prior lawsuit because the citation was made for a proper litigation purpose: identifying the standards applicable to pro se litigants and arguing that Plaintiff remained subject to applicable procedural rules.
2. A sanctions motion that is not served on the opposing party at least 21 days before filing does not satisfy Rule 11(c)(2)'s safe-harbor requirement, and sanctions cannot properly be granted on that motion.
3. Defendant's motion to strike Plaintiff's supplemental briefs was denied.

KEY QUOTATIONS

“Moreover, Plaintiff failed to serve the Motion upon Defendant prior to filing and therefore failed comply with Rule 11’s 21-day “safe harbor” requirement.”

“This requirement provides the allegedly offending party “with notice of the [movant’s] intent to seek sanctions” and an opportunity to rectify the issue without the court’s involvement.”

FACTUAL BACKGROUND

Plaintiff alleged that Defendant's counsel engaged in retaliatory and abusive litigation conduct, including personal attacks and citing one of Plaintiff's prior lawsuits to portray her as dishonest and emotional. The court found that the citation to the prior lawsuit served the proper purpose of identifying the rules applicable to pro se litigants. Plaintiff also failed to serve the sanctions motion on Defendant before filing it, as required by Rule 11(c)(2).

PROCEDURAL HISTORY

The United States responded to Plaintiff's sanctions motion, and Plaintiff replied and filed supplements. The court denied both the sanctions motion and Defendant's motion to strike the supplemental briefs.

DISPOSITION

other

CASES CITED

- Roth v. Green, 466 F.3d 1179, 1192 (10th Cir. 2006)
- Mellott v. MSN Communications, Inc., 492 F. App'x 887, 888 (10th Cir. 2012)

- Blackburn v. Webb, No. CIV-23-379-R (W.D. Okla.)

OPINION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA
TYEASHIA M. BLACKBURN,)) Plaintiff,)) v.) Case No. CIV-22-983-G) UNITED STATES,
)) Defendant.) ORDER Now before the Court is Plaintiff Tyeashia M. Blackburn's Motion for Sanctions (Doc. No. 91), as well as supplements thereto (Doc. Nos. 112, 114). Defendant United States has filed a Response (Doc.

No. 108), to which Plaintiff has replied (Doc. No. 111). Liberally construed, Plaintiff's Motion asks the Court to sanction Defendant's counsel pursuant to Federal Rule of Civil Procedure 11(c) (1) based upon an alleged "pattern of retaliatory and abusive litigation conduct." Pl.'s Mot. Sanctions at 1. Plaintiff argues that Defendant's counsel has engaged in personal attacks and, in a recent filing, cited another of Plaintiff's lawsuits in an effort to "portray[] Plaintiff as dishonest and emotional." Id. Rule 11(b) of the Federal Rules of Civil Procedure states that an attorney or unrepresented party who presents and signs a written paper to a court is certifying to the court "that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances," the paper "is not being presented for any improper purpose" and "the factual contentions" in that paper "have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery." Fed.

R. Civ. P. 11(b)(1), (3). The Court may sanction an attorney who fails to comply with Rule 11(b). See id. R. 11(c). Upon review of Plaintiff's Motion, the Court does not find any conduct by Defendant's counsel that violates Rule 11.

In particular, the Court finds that the citation to Plaintiff's prior lawsuit, Blackburn v. Webb, No. CIV-23-379-R (W.D. Okla.), was made for a proper purpose—i.e., identifying the standard applicable to pro se litigants and arguing that "Plaintiff is aware that her pro se status does not exempt her from complying with the applicable rules." Def.'s Resp. at 3; see Doc.

No. 86, at 3. Moreover, Plaintiff failed to serve the Motion upon Defendant prior to filing and therefore failed comply with Rule 11's 21-day "safe harbor" requirement. See Fed. R. Civ. P. 11(c) (2) (prescribing that a motion for sanctions "must be served under Rule 5, but it must not be filed or presented to the court if the challenged paper... is withdrawn or appropriately corrected within 21 days after service or within another time the court sets"); Def.'s Resp. at 2 ("The Motion was not provided to counsel for [Defendant] prior to receiving it via ECF notification.").

This requirement provides the allegedly offending party "with notice of the [movant's] intent to seek sanctions" and an opportunity to rectify the issue without the court's involvement. Roth v. Green, 466 F.3d 1179, 1192 (10th Cir. 2006).

The Tenth Circuit “has held that it is an abuse of discretion to grant Rule 11 sanctions if the [movant] did not comply with the safe-harbor provision.” *Mellott v. MSN Commc’ns, Inc.*, 492 F. App’x 887, 888 (10th Cir. 2012). CONCLUSION For the foregoing reasons, Plaintiffs Motion for Sanctions (Doc. No. 91) is DENIED. Defendant’s Motion to Strike Plaintiff’s Supplemental Briefs (Doc.

No. 123) is DENIED. IT IS SO ORDERED this 7th day of April, 2026. CHARLES B. GOODWIN United States District Judge