

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Malik Shakur v. Department of the Air Force, et al.

Shakur · No. CIV-25-251-R · Decided December 1, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma denies Malik Shakur’s motion under Federal Rule of Civil Procedure 60(d)(3), or alternatively Rule 60(b)(3), seeking to reopen and set aside a prior judgment for alleged fraud on the court. The court concludes that the allegations concerning Executive Order 14284 do not constitute fraud on the court and do not satisfy the demanding clear-and-convincing-evidence standard.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 1, 2025
DOCKET	CIV-25-251-R
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved under Federal Rule of Civil Procedure 60(d)(3) to reopen and set aside the judgment dismissing his action for failure to state a claim and failure to serve.
STANDARD OF REVIEW	Relief based on fraud on the court under Rule 60(d)(3), or under Rule 60(b)(3), requires clear and convincing evidence of fraud directed at the judicial machinery; doubts are resolved in favor of the finality of the judgment.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Malik Shakur v. Department of the Air Force, et al.

TOPICS

- motion for reconsideration
- civil procedure
- remedies
- federal employment law
- administrative law

PRACTICE AREAS

- civil procedure
- federal employment law
- administrative law
- remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's allegations established fraud on the court warranting relief under Federal Rule of Civil Procedure 60(d)(3).
2. Whether Plaintiff was otherwise entitled to relief from the judgment under Federal Rule of Civil Procedure 60(b)(3).

HOLDINGS

1. Plaintiff's allegations did not properly constitute fraud on the court and, in any event, failed to satisfy the demanding clear-and-convincing-evidence standard required for relief from the judgment.

KEY QUOTATIONS

"Fraud on the court claims concern "fraud which is directed to the judicial machinery itself" and are exceedingly difficult to prove."

"Generally speaking, only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated will constitute a fraud on the court."

"Fraud on the court must be shown "by clear and convincing evidence" and "all doubts must be resolved in favor of the finality of the judgment.""

FACTUAL BACKGROUND

Plaintiff challenged the court's prior dismissal of his discrimination action, asserting that the court had blocked or unilaterally struck down Executive Order 14284. The prior dismissal was primarily based on failure to state a plausible discrimination claim and failure to serve, and did not address or affect the Executive Order's changes to the Merit Systems Protection Board's jurisdiction. Plaintiff characterized the alleged conduct as fraud on the court and sought to set aside the judgment.

PROCEDURAL HISTORY

The court had previously dismissed Plaintiff's action for failure to state a plausible discrimination claim and failure to serve. Plaintiff then filed an independent action seeking relief from that judgment based on alleged fraud on the court. The district court denied the motion, concluding that Plaintiff's allegations did not constitute fraud on the court and did not satisfy the demanding standard for relief from judgment.

DISPOSITION

other

CASES CITED

- Day v. Devries, No. 22-3107, 2023 WL 4363894, at *2 (10th Cir. July 6, 2023) (unpublished)
- United States v. Baker, 718 F.3d 1204, 1207 (10th Cir. 2013)
- United States v. Buck, 281 F.3d 1336, 1342 (10th Cir. 2002)

- Weese v. Schukman, 98 F.3d 542, 552-53 (10th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF OKLAHOMA MALIK SHAKUR,)) Plaintiff,)) v.) Case No. CIV-25-251-R) DEPARTMENT OF THE AIR FORCE,) et al.,)) Defendant.) ORDER Plaintiff, proceeding pro se, has filed a document titled “Independent Action to Re- open and Set Aside Judgment Under ‘Extraordinary Circumstances’ for Fraud on the Court” [Doc.

No. 10]. Plaintiff’s motion invokes Rule 60(d)(3) and seeks relief from the Court’s order and judgment dismissing this action for failure to state a claim and failure to serve. Federal Rule of Civil Procedure 60(d)(3) “reserves to the district court the power to set aside a judgment for fraud on the court.” Day v. Devries, No. 22-3107, 2023 WL 4363894, at *2 (10th Cir.

July 6, 2023) (unpublished) (quoting Fed. R. Civ. P. 60(d)(3)).^{1 1} “A fraud-on-the-court claim may be brought either as an independent action preserved by the savings clause in Rule 60(d)(3), or as a claim under Rule 60(b)(3), which provides for relief from judgment based on fraud, misrepresentation, or misconduct by an opposing party.” United States v. Baker, 718 F.3d 1204, 1207 (10th Cir.

2013) (quotation and ellipses omitted). Although Plaintiff describes his motion as an “independent action” to set aside judgment, Rule 60(b)(3) might be the better match given that he has filed the motion in this action and is asking the Court to set aside its own judgment. But regardless of which provision of Rule 60 he is proceeding under, “the same demanding standard of proof for establishing a fraud on the court” applies.

Id. Fraud on the court claims concern “fraud which is directed to the judicial machinery itself” and are exceedingly difficult to prove. United States v. Buck, 281 F.3d 1336, 1342 (10th Cir. 2002) (quotation omitted). “Generally speaking, only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated will constitute a fraud on the court.” Weese v. Schukman, 98 F.3d 542, 552-53 (10th Cir.

1996). Fraud on the court must be shown “by clear and convincing evidence” and “all doubts must be resolved in favor of the finality of the judgment.” /d. at 552. Plaintiff’s motion contends that the Court’s prior order “blocked” and “unilaterally str[uck] down” Executive Order 14284 which, among other things, made changes to the Merit Systems Protection Board’s jurisdiction to adjudicate a terminated probationary employee’s appeal.

The Court’s order dismissing this action was primarily based on Plaintiff’s failure to state a plausible claim for discrimination and had no bearing on Executive Order 14284. Plaintiff’s assertions do not appear to even be properly characterized as fraud on the court and, in any event,

fall short of the standard required to show fraud or to otherwise warrant granting relief from the judgment.

Accordingly, Plaintiffs motion is denied. IT IS SO ORDERED this 1*' day of December, 2026.
UNITED STATES DISTRICT JUDGE

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