

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PRECEDENTIAL VALUE	unpublished district court order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)

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