

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Edward Earl House v. William Sollie

Civil Action No. 3:23-CV-497-HTW-LGI · No. 3:23-CV-497-HTW-LGI · Decided March 2, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi denied Edward Earl House’s motion to dismiss, construed as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b). The court held that House had not shown good cause or extraordinary circumstances warranting relief from the prior dismissal of his habeas petition and that his claims concerning counsel, speedy trial, and discovery issues had to be addressed first in state court.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Henry T. Wingate
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	March 2, 2026
DOCKET	3:23-CV-497-HTW-LGI
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 60(b) to reopen a previously dismissed 28 U.S.C. § 2241 habeas petition and obtain dismissal of pending state criminal charges. The court denied the motion.
STANDARD OF REVIEW	Relief from a final judgment under Rule 60(b) is an extraordinary remedy used sparingly. Relief under Rule 60(b)(1)-(5) requires good cause, while relief under Rule 60(b)(6) requires extraordinary circumstances.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value
PARTIES	Edward Earl House, Petitioner v. William Sollie, Respondent

TOPICS

motion for reconsideration

federal habeas corpus

civil procedure

due process

discovery criminal

PRACTICE AREAS

Federal habeas corpus

Civil procedure

Post-judgment relief

Constitutional law

QUESTIONS PRESENTED

1. Whether Petitioner's motion styled as a motion to dismiss should be construed as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
2. Whether Petitioner demonstrated good cause or extraordinary circumstances warranting relief from the prior judgment under Rule 60(b).
3. Whether Petitioner's new claims concerning appointed counsel and discovery were subject to prior exhaustion in state court.

HOLDINGS

1. A motion seeking to reopen or set aside a previously entered final judgment is properly construed as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b), notwithstanding Petitioner's label of the motion as a motion to dismiss.
2. Petitioner was not entitled to relief under Rule 60(b)(1)-(5) because he failed to identify a qualifying ground and failed to show good cause.
3. Petitioner was not entitled to relief under Rule 60(b)(6) because he failed to demonstrate extraordinary circumstances.
4. Petitioner's claims concerning the lack of a state-appointed attorney and discovery issues had to be addressed first in state court, and the failure to demonstrate exhaustion independently precluded Rule 60(b) relief.

KEY QUOTATIONS

"reconsideration of a judgment after its entry "is an extraordinary remedy which should be used sparingly."
(at 2)

"The right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law." (at 3)

FACTUAL BACKGROUND

Petitioner had previously filed a federal habeas petition challenging pending state criminal proceedings in Lauderdale County, Mississippi. After the petition was dismissed in part without prejudice for failure to exhaust and in part with prejudice for failure to state a cognizable habeas claim, Petitioner alleged that state officials had failed to provide counsel after prior counsel withdrew, violated a 270-day speedy-trial rule, and withheld evidence in violation of *Brady v. Maryland*. He sought to reopen the federal judgment and have the state charges dismissed without prejudice.

PROCEDURAL HISTORY

On January 30, 2025, the court entered final judgment dismissing Petitioner's speedy-trial claims without prejudice for failure to exhaust state remedies and dismissing his remaining claims, including his request to dismiss state criminal charges, with prejudice for failure to state a cognizable federal habeas claim. Petitioner then filed a motion styled as a motion to dismiss, which the court construed as a Rule 60(b) motion for relief from judgment. The court denied relief because Petitioner repeated prior arguments, failed to identify a valid Rule 60(b) basis, and did not show exhaustion or extraordinary circumstances.

DISPOSITION

other

CASES CITED

- Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)
- Templet v. HydroChem Inc., 367 F.3d 473, 479 (5th Cir. 2004)
- Hess v. Cockrell, 281 F.3d 212, 216 (5th Cir. 2002)
- United States v. Pineda, 988 F.2d 22, 23 (5th Cir. 1993)
- Birl v. Estelle, 660 F.2d 592, 593 (5th Cir. 1981)