

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Troy King v. Julia Owner LLC, et al.

King · No. CV-25-03686-PHX-KML · Decided March 30, 2026

OPINION

King

PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Troy King, No. CV-25-03686-PHX-KML 10 Plaintiff, ORDER 11 v. 12 Julia Owner LLC, et al., 13 Defendants. 14 15 Plaintiff Troy King filed his original complaint on October 6, 2025. The court 16 dismissed that complaint with leave to amend. (Doc. 6.) The dismissal order provided 17 specific instructions on the changes King would need to make in an amended complaint if 18 he wished to pursue his claims. (Doc. 6.) King filed an amended complaint, but on 19 November 5, 2025, the court again determined King had failed to state a claim on which 20 relief could be granted. (Doc. 8.) The court noted that despite its earlier order explaining 21 what King would need to allege, the “amended complaint made no headway” in meeting 22 the requirements. (Doc. 8 at 5.) Based on that, further leave to amend was deemed futile 23 and the amended complaint was dismissed without leave to amend. Judgment was entered 24 the same day. (Doc. 9.) 25 King waited until December 15, 2025, to file a “Motion for Leave to File Second 26 Amended Complaint.” (Doc. 10.) On December 17, 2025, the court denied that motion 27 stating judgment had been entered so “the only way for litigation to resume would be for 28 King to have that judgment set aside.” (Doc. 12 at 1-2.) For unexplained reasons, King then 1 waited three months to file a Rule 60 motion. (Doc. 13.) 2 King identifies his motion as brought under Rule 60(b)(1). (Doc. 13 at 1.) According 3 to King, the judgment “resulted from excusable neglect and/or mistake in understanding 4 the rigorous pleading standards” that led to the entry of judgment. (Doc. 13 at 1.) King 5 argues his failure to include sufficient factual allegations “was not a willful disregard of 6 court orders or rules, but rather an unintentional oversight born from a layman’s 7 interpretation of complex legal requirements.” (Doc. 13 at 3.) 8 Accepting King’s motion as brought under Rule 60(b)(1), that rule “allows a party 9 to seek relief from final judgment and reopen a case based on mistake or excusable 10 neglect.” *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 210 (2025). Assuming failure to 11 understand and follow pleading requirements might qualify as “excusable neglect,” the 12 court must consider four factors: “(1) the danger of prejudice to the non-moving party, (2) 13 the length of delay and its potential impact on judicial proceedings, (3) the reason for the 14 delay, including whether it was within the

reasonable control of the movant, and (4) 15 whether the moving party's conduct was in good faith." *Pincay v. Andrews*, 389 F.3d 853, 16 855 (9th Cir. 2004). No one factor is dispositive and "[the determination of whether a 17 party's neglect is excusable is at bottom an equitable one, taking account of all relevant 18 circumstances surrounding the party's omission." *Briones v. Riviera Hotel & Casino*, 116 19 F.3d 379, 382 (9th Cir. 1997) (simplified). Here, two factors weigh in favor of King's 20 motion while two factors weigh against. 21 The first factor requires assessing what prejudice the non-moving party would suffer 22 if relief were granted. Defendant has not appeared and would suffer no obvious prejudice 23 if the judgment was set aside. Similarly, the fourth factor requires determining whether 24 King has acted in good faith. There is no evidence King's failures were the result of bad 25 faith, so that factor also supports granting relief. But the other two factors doom King's 26 request. 27 The length of delay weighs against granting relief. Judgment was entered on

28 November 5, 2025, and King provides no explanation for waiting four months to seek 1 relief. He did attempt to amend his complaint in December 2025, but that motion was 2 denied shortly after filing. After that denial, King then waited three more months to file his 3 Rule 60 motion. With no explanation for his delay, this factor supports denying the motion. 4 The "reason for delay" also weighs against granting relief. Pro se litigants such as 5 King "are not excused from following court rules." *Briones*, 116 F.3d at 382. And although 6 the court must construe pro se complaints liberally, that "does not mean that the court will 7 supply essential elements of a claim that are absent from the complaint." *Boquist v. 8 Courtney*, 32 F.4th 764, 774 (9th Cir. 2022). The court construed King's original complaint 9 liberally, but it did not state any claim for relief. The court gave King clear instructions on 10 what he needed to include in an amended complaint. King's amended complaint, construed 11 liberally, still did not state any plausible claim for relief. And after King's second attempt 12 was dismissed, he waited months to seek additional relief without explaining why. The 13 "reason for delay" factor supports denying the motion. 14 Considering "all relevant circumstances," King is not entitled to relief under Rule 15 60(b)(1). *Briones*, 116 F.3d at 382 (simplified). But King's motion could also be construed 16 as a request for relief under Rule 60(b)(6). That rule "allows a court to grant relief for 'any 17 other reason that justifies relief.'" *Ratha v. Rubicon Res., LLC*, 168 F.4th 541, 561 (9th Cir. 18 2026) (quoting Rule 60(b)(6)). Relief under this rule is appropriate "only where 19 extraordinary circumstances prevented a party from taking timely action to prevent or 20 correct an erroneous judgment." *In re Int'l Fibercom, Inc.*, 503 F.3d 933, 941 (9th Cir. 21 2007) (simplified). To meet this demanding standard, a party "must demonstrate both 22 injury and circumstances beyond his control that prevented him from proceeding with . . . 23 the action in a proper fashion." *Id.* (simplified). 24 King has not established extraordinary circumstances. He has not identified the 25 "circumstances beyond his control" that prevented him from amending his complaint as 26 the court explained in the order dismissing the original complaint. In addition, King has 27 not explained the delay in seeking relief after judgment was entered. King is not entitled to 28 relief

under Rule 60(b)(6). 1 Accordingly, 2 IT IS ORDERED the Motion for Relief from Judgment (Doc. 13) is DENIED. 3 Dated this 30th day of March, 2026. 4 Ulan MAK Honorable Krissa M. Lanham 7 United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -4-