

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Flynn v. Horn

303 F. App'x 966 (2d Cir. 2008) · Decided December 24, 2008

SUMMARY

The United States Court of Appeals for the Second Circuit affirmed the Eastern District of New York’s denial of Jeremiah Young Flynn’s motion for reconsideration under Federal Rule of Civil Procedure 60(b). The court held that Flynn could not use the motion to relitigate the underlying judgment and had not shown exceptional circumstances, newly discovered evidence, or an abuse of discretion.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
JURISDICTION	Federal
DECIDED	December 24, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed the Eastern District of New York's denial of his Federal Rule of Civil Procedure 60(b) motion for reconsideration of a December 2005 judgment entered after the district court granted defendants' motion for summary judgment.
STANDARD OF REVIEW	The denial of a Rule 60(b) motion is reviewed for abuse of discretion. A district court abuses its discretion if it relies on an erroneous view of the law or a clearly erroneous assessment of the evidence.
PRECEDENTIAL VALUE	Nonprecedential summary order
PARTIES	Jeremiah Young Flynn v. Horn

TOPICS

- motion for reconsideration
- appellate procedure
- standard of review
- summary judgment
- civil rights

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Civil rights
- Health law

QUESTIONS PRESENTED

1. Whether the Second Circuit could review the underlying December 2005 judgment through Flynn's appeal from the denial of his Rule 60(b) motion.

2. Whether the district court abused its discretion by denying Flynn's Rule 60(b) motion for reconsideration.

HOLDINGS

1. When a Rule 60(b) motion is filed more than ten days after entry of judgment, an appeal from its denial brings up for review only the order denying the motion and does not permit the appellant to attack the underlying judgment for errors that could have been raised on direct appeal.
2. The district court did not abuse its discretion in denying Flynn's Rule 60(b) motion because Flynn identified neither newly discovered evidence nor an erroneous view of the facts or evidence, and merely attempted to relitigate his underlying claims.

KEY QUOTATIONS

“The appeal “does not permit the appellant to attack the underlying judgment for error that could have been complained of on direct appeal.”” (at 966)

“Relief pursuant to Rule 60(b) motions is available only in “exceptional circumstances.”” (at 967)

FACTUAL BACKGROUND

The underlying action involved Flynn's claims concerning medical care and an EKG readout. In granting summary judgment, the district court found no evidence from which a jury could infer that the medical staff knew or should have known of Flynn's heart condition or acted with a culpable state of mind. Flynn's Rule 60(b) motion and appeal did not identify newly discovered evidence or show that the prior ruling rested on an erroneous view of the facts or evidence.

PROCEDURAL HISTORY

The district court granted defendants' motion for summary judgment and entered judgment in December 2005. Flynn later moved for reconsideration under Rule 60(b); the district court denied that motion, and the Second Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- "R" Best Produce, Inc. v. DiSapio, 540 F.3d 115, 122 n. 5 (2d Cir. 2008)
- Daily Mirror, Inc. v. New York News, Inc., 533 F.2d 53, 56 (2d Cir. 1976)
- Ruotolo v. City of New York, 514 F.3d 184, 191 (2d Cir. 2008)
- Transaero, Inc. v. La Fuerza Aerea Boliviana, 162 F.3d 724, 729 (2d Cir. 1998)