

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Nicole v. T2M Investments, LLC

Nicole · No. 1:24-cv-00562-JLT · Decided August 11, 2025

SUMMARY

The U.S. District Court for the Eastern District of California denied Sylvia Nicole’s motion to reopen an appeal dismissed for failure to prosecute. The court construed the motion under Federal Rule of Civil Procedure 60(b) and found that the asserted lack of notice did not excuse her failure to comply with procedural obligations needed to perfect the bankruptcy appeal. The case remains closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 11, 2025
DOCKET	1:24-cv-00562-JLT
DISPOSITION	other
PROCEDURAL POSTURE	Appellant moved to reopen a bankruptcy appeal that had been dismissed for failure to prosecute. The court construed the motion as one for relief from judgment under Federal Rule of Civil Procedure 60(b) and denied it.
STANDARD OF REVIEW	A motion under Rule 60(b) is committed to the district court's discretion. Relief is limited and granted sparingly in extraordinary circumstances. Excusable neglect is evaluated under the equitable factors identified in Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sylvia Nicole v. T2M Investments, LLC

TOPICS

- motion for reconsideration
- appellate procedure
- bankruptcy
- civil procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nicole's motion to reopen should be construed as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
2. Whether Nicole established excusable neglect or another basis warranting relief from the dismissal judgment under Rule 60(b).

HOLDINGS

1. A motion styled as a motion to reopen and filed after entry of judgment is properly construed as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
2. Nicole did not demonstrate excusable neglect warranting relief from the dismissal judgment because the relevant equitable factors weighed against reopening the case and her explanation did not account for her failure to satisfy the underlying procedural obligations.

KEY QUOTATIONS

“Relief under Rule 60(b) is limited and granted sparingly in extraordinary circumstances.” (at 2)

“The determination as to whether neglect is excusable “is at bottom an equitable one, taking account of all relevant circumstances surrounding the party’s omission.”” (at 3)

“Therefore, the delays in this case are entirely of Ms. Nicole’s making, and her latest excuse, even if credited, fails to address the underlying cause of this case’s stagnation.” (at 5)

FACTUAL BACKGROUND

Nicole initiated an appeal from a bankruptcy proceeding but did not complete the filings necessary to perfect the appellate record, including the required notice regarding ordering transcripts. The district court ordered her to cure the deficiencies and warned that failure to respond could result in dismissal, but she did not timely comply. The appeal was dismissed for failure to prosecute, and Nicole later sought to reopen the case, asserting that she had not received court mail and did not know about the obligation to file an opening brief.

PROCEDURAL HISTORY

Sylvia Nicole appealed a decision of the United States Bankruptcy Court for the Eastern District of California. After Nicole failed to complete required steps to perfect the appeal, including filing the required notice concerning transcripts, the district court ordered her to cure the deficiencies and warned that noncompliance could result in dismissal. Nicole did not timely comply, and the district court dismissed the appeal for failure to prosecute on April 29, 2025, entering judgment the same day. She later moved to reopen the case, which the court denied.

DISPOSITION

other

CASES CITED

- People v. Ribero, 4 Cal. 3d 55, 65 (1971)
- Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C. Cir. Aug. 4, 1987)
- Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc)
- In re Alexander, 197 F.3d 421, 426 (9th Cir. 1999)
- Navajo Nation v. Dep't of the Interior, 876 F.3d 1144, 1173 (9th Cir. 2017)
- De Young v. On Habeas Corpus, 2013 WL 1876120, at *2 (E.D. Cal. May 3, 2013)
- Kern-Tulare Water Dist. v. City of Bakersfield, 634 F. Supp. 656, 655 (E.D. Cal. Mar. 31, 1986)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs., 507 U.S. 380, 388, 395 (1993)
- Latshaw v. Trainer Wortham & Co., Inc., 452 F.3d 1097, 1100-01 (9th Cir. 2006)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992)
- Nealey v. Transportacion Maritima Mexicana, S.A., 662 F.2d 1275, 1279 (9th Cir. 1981)
- Sw. Marine Inc. v. Danzig, 217 F.3d 1128, 1138 (9th Cir. 2000)
- Yourish v. California Amplifier, 191 F.3d 983, 991 (9th Cir. 1999)
- Pagtalun v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)