

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**Richard Mark Wagner v. Hon. Jessica Bierwerth, in her individual
and official capacity as a judge of the Ramsey County Family Court,
and Donald W. Harper, in his individual and official capacity as
Court Administrator for the Ramsey County Family Court**

Wagner · No. 25-cv-3444 (LMP/SGE) · Decided February 17, 2026

SUMMARY

The United States District Court for the District of Minnesota denied Richard Mark Wagner’s motion for relief from judgment under Federal Rule of Civil Procedure 60(b) and his motion for leave to amend under Rule 15(a)(2). The court held that Wagner did not establish grounds for Rule 60(b) relief and that his proposed Monell claims against Ramsey County were futile because they did not plausibly allege an unconstitutional policy or custom.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Laura M. Provinzino
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	February 17, 2026
DOCKET	25-cv-3444 (LMP/SGE)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for relief from the judgment dismissing his complaint and moved under Rule 15(a)(2) for leave to amend. The district court denied both motions.
STANDARD OF REVIEW	Relief under Rule 60(b) is extraordinary and requires an adequate showing of exceptional circumstances. Leave to amend may be denied when amendment would be futile, meaning the proposed pleading could not withstand a Rule 12(b)(6) motion. On a Rule 12(b)(6) analysis, the court accepts well-pleaded factual allegations as true and requires sufficient factual matter to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Richard Mark Wagner v. Hon. Jessica Bierwerth, Donald W. Harper

TOPICS

motion to amend

motions to dismiss

section 1983

municipal liability

due process

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

pleading

QUESTIONS PRESENTED

1. Whether Wagner established grounds under Federal Rule of Civil Procedure 60(b)(1) or 60(b)(6) for relief from the judgment dismissing his complaint.
2. Whether Wagner could amend his complaint after final judgment without first obtaining relief from the judgment.
3. Whether the proposed amended complaint plausibly alleged a municipal policy or custom sufficient to support a Monell claim under 42 U.S.C. § 1983.
4. Whether the proposed amendment was futile because it could not withstand a motion to dismiss under Rule 12(b)(6).

HOLDINGS

1. Wagner was not entitled to relief from the judgment because his asserted mistake or excusable neglect concerned his failure to properly file post-judgment motions, not any mistake, inadvertence, surprise, or excusable neglect underlying the judgment itself, and he showed no exceptional circumstances warranting relief under Rule 60(b)(6).
2. After final judgment, a party may amend a pleading only with leave of court and only if the request is consistent with the stringent standards governing Rule 60(b) relief; the Rule 15(a)(2) liberal amendment standard does not independently permit amendment while the judgment remains in place.
3. Leave to amend was properly denied because the proposed amended complaint was futile and could not withstand a Rule 12(b)(6) motion.
4. Wagner did not plausibly allege that Ramsey County maintained an unconstitutional official policy.
5. Wagner did not plausibly allege an unconstitutional municipal custom because his proposed complaint identified only a single alleged act.

KEY QUOTATIONS

“Rule 60(b) “provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances.””

“an amended pleading is futile when it “could not withstand a motion to dismiss under Rule 12(b)(6).””

“To survive a motion to dismiss, a complaint must “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“an “unconstitutional custom or usage cannot arise from a single act.””

FACTUAL BACKGROUND

Wagner's original complaint was dismissed following preservice review. He later sought relief from that judgment and leave to amend, proposing to replace the original defendants with Ramsey County and assert a Monell claim based on an alleged policy or custom of conditioning acceptance of pleadings on payment of filing fees without meaningful review or alternatives for indigent litigants. He alleged that his fee-waiver application was not processed and was effectively denied without a hearing or judicial review. The court found the proposed allegations insufficient because they were internally inconsistent, conclusory, and based on a single alleged incident.

PROCEDURAL HISTORY

The court dismissed Wagner's complaint on October 9, 2025, after preservice review under 28 U.S.C. § 1915(e)(2). Wagner subsequently submitted proposed amended complaints and attempted to seek reconsideration and leave to amend, but initially failed to file the required motions. On November 25, 2025, he filed a Rule 60(b) motion and a Rule 15(a)(2) motion for leave to amend. The court reached the merits and denied both motions.

DISPOSITION

other

CASES CITED

- *Mejia v. United States*, No. 23-cv-3852 (PJS/DLM), 2024 WL 6047683, at *1 (D. Minn. Mar. 25, 2024)
- *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 213 (2025)
- *United States v. Mask of Ka-Nefer-Nefer*, 752 F.3d 737, 743 (8th Cir. 2014)
- *Harley v. Zoesch*, 413 F.3d 866, 870 (8th Cir. 2005)
- *Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 715 (8th Cir. 2008)
- *Hartis v. Chi. Title Ins. Co.*, 694 F.3d 935, 948 (8th Cir. 2012)
- *Hillesheim v. Myron's Cards & Gifts, Inc.*, 897 F.3d 953, 955 (8th Cir. 2018)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 546, 570 (2007)
- *Monell v. Department of Social Services of New York*, 436 U.S. 658 (1978)
- *Bolderson v. City of Wentzville*, 840 F.3d 982, 985-986 (8th Cir. 2016)
- *Ware v. Jackson County*, 150 F.3d 873, 880 (8th Cir. 1998)
- *Preble v. Itasca County Board of Commissioners*, No. 25-cv-3006 (LMP/LIB), 2025 WL 3458052 (D. Minn. Dec. 2, 2025)
- *Waters v. Madson*, 921 F.3d 725, 734 (8th Cir. 2019)
- *Greene v. WCI Holdings Corp.*, 136 F.3d 313, 315-316 (2d Cir. 1998)
- *Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005)
- *Leonard v. St. Charles County Police Department*, 59 F.4th 355, 363 (8th Cir. 2023)

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