

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

John Andrew Kister v. Jefferson S. Dunn, et al.

No. 2:20-cv-414-ECM (M.D. Ala. Jan. 16, 2026) · No. 2:20-cv-414-ECM · Decided January 16, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied John Andrew Kister’s pro se motion to reopen a closed case under Federal Rule of Civil Procedure 60(b)(6). The court held that reliance on subsequent Eleventh Circuit decisions concerning special-report procedures did not establish extraordinary circumstances, particularly because Kister did not appeal the judgment and waited nearly two years to seek relief. The case remained closed.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama
WRITING FOR THE COURT	Emily C. Marks
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	January 16, 2026
DOCKET	2:20-cv-414-ECM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(6) to reopen the case and set aside the final judgment entered after the court granted defendants' summary-judgment motion. The court denied the motion and left the case closed.
STANDARD OF REVIEW	A Rule 60(b)(6) motion requires sufficiently extraordinary circumstances and a showing that denying relief would result in extreme and unexpected hardship; the court evaluated plaintiff's entitlement to relief under that standard.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion for reconsideration
- summary judgment
- civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

postjudgment relief

summary judgment

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to relief from the final judgment under Federal Rule of Civil Procedure 60(b)(6) based on later Eleventh Circuit opinions concerning special-report procedures.
2. Whether plaintiff's failure to appeal and delay in seeking postjudgment relief precluded a finding of extraordinary circumstances.

HOLDINGS

1. Plaintiff was not entitled to relief under Rule 60(b)(6) because he failed to demonstrate extraordinary circumstances warranting relief from the final judgment.

KEY QUOTATIONS

“ “[R]elief under Rule 60(b)(6) is available only in ‘extraordinary circumstances.’ ” ”

“ Therefore, on this record the Plaintiff fails to show extraordinary circumstances justifying relief from the judgment. ”

“ Accordingly, for the reasons stated, it is ORDERED that the Plaintiff’s motion (doc. 82) is DENIED. This case remains CLOSED. ”

FACTUAL BACKGROUND

Defendants' answer and special report were construed as motions for summary judgment, and summary judgment was entered in defendants' favor. Plaintiff did not object to the Magistrate Judge's Recommendation, did not appeal the judgment, and waited nearly two years after judgment to seek relief. He relied on a later Eleventh Circuit decision vacating summary judgment in another case involving special-report procedures and on a concurrence criticizing such procedures.

PROCEDURAL HISTORY

The court adopted the Magistrate Judge's Recommendation, granted defendants' motion for summary judgment, dismissed the case with prejudice, and entered final judgment on August 23, 2023. Plaintiff did not object to the Recommendation or appeal the judgment. He later moved to reopen the case based on Eleventh Circuit developments concerning special-report procedures, including *Kister v. Borowicz* and a concurrence in *Chapman v. Dunn*.

DISPOSITION

dismissed

CASES CITED

- *Kister v. Borowicz*, 2025 WL 1013729 (11th Cir. Apr. 4, 2025) (per curiam)

- Chapman v. Dunn, 129 F.4th 1307, 1319-29 (11th Cir. 2025) (Jordan, J., concurring)
- Buck v. Davis, 580 U.S. 100, 123 (2017)
- Gonzalez v. Crosby, 545 U.S. 524, 535-38 (2005)
- Doe v. Drummond Co., 782 F.3d 576, 612 (11th Cir. 2015)
- Ackermann v. United States, 340 U.S. 193, 198 (1950)

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