

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

John Andrew Kister v. Patrice Richie Jones

Kister v. Jones · No. 2:20-cv-606-ECM · Decided January 16, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denies the plaintiff’s pro se motion for relief from final judgment under Federal Rule of Civil Procedure 60(b)(6). The court holds that the plaintiff failed to demonstrate extraordinary circumstances or diligence, noting that he did not appeal the summary judgment ruling and waited nearly two years after judgment to seek postjudgment relief. The case remains 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-606-ECM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(6) to reopen the closed case and set aside the final judgment granting defendant summary judgment.
STANDARD OF REVIEW	Rule 60(b)(6) relief is available only in extraordinary circumstances; the movant must show sufficiently extraordinary circumstances and that denial of relief would result in extreme and unexpected hardship.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	John Andrew Kister v. Patrice Richie Jones

TOPICS

- motion for reconsideration
- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to relief from the final judgment under Federal Rule of Civil Procedure 60(b)(6) based on subsequent Eleventh Circuit decisions concerning special-report procedures.
2. Whether Plaintiff's failure to object to the Recommendation, appeal the summary-judgment judgment, and timely seek postjudgment relief precluded a finding of extraordinary circumstances.

HOLDINGS

1. The Chapman concurrence did not establish a change in law and therefore could not, standing alone, constitute an extraordinary circumstance warranting Rule 60(b)(6) relief.
2. Plaintiff failed to establish extraordinary circumstances justifying relief from the final judgment because he did not appeal the summary-judgment ruling and waited nearly two years after judgment, and approximately six months after *Kister v. Borowicz*, to seek postjudgment relief.

KEY QUOTATIONS

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

“ To warrant relief under Rule 60(b)(6), the moving party must not only show “ ‘sufficiently extraordinary’ circumstances,” but also that “absent such relief, an ‘extreme’ and ‘unexpected’ hardship will result.” ”

FACTUAL BACKGROUND

The District Court previously entered judgment dismissing Kister's action with prejudice after granting summary judgment based on the defendants' answer and special report, which had been construed as summary-judgment motions. Kister did not object to the Magistrate Judge's Recommendation or appeal the judgment. He later sought relief after the Eleventh Circuit vacated a summary-judgment ruling in another case involving special-report procedures and after a concurrence in another case expressed concerns about those procedures.

PROCEDURAL HISTORY

The Magistrate Judge construed the defendants' answer and special report as motions for summary judgment and issued a Recommendation. The District Court adopted the Recommendation, granted summary judgment for the defendant, and dismissed the case with prejudice on September 13, 2023. Plaintiff filed no objections to the Recommendation and did not appeal the judgment; nearly two years later, he moved to reopen the case based on subsequent Eleventh Circuit decisions concerning special-report procedures.

DISPOSITION

other

CASES CITED

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

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

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