UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mel Marin v. John Bahr, et al.

Marin · No. 23-cv-336-RSH-BLM · Decided October 15, 2025

SUMMARY

The United States District Court for the Southern District of California denies Mel Marin's motions under Federal Rules of Civil Procedure 59 and 60. The court holds that the Rule 59 motion improperly sought reconsideration of an earlier order and presented arguments that could have been raised previously. The court also concludes that Marin's bankruptcy filing did not deprive the court of jurisdiction or render the judgment void because the automatic stay generally does not apply to lawsuits initiated by the debtor.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 15, 2025
DOCKET	23-cv-336-RSH-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Post-judgment consideration of plaintiff's motions under Federal Rules of Civil Procedure 59(e) and 60(b)(4), seeking alteration of the judgment and relief from an allegedly void judgment.
STANDARD OF REVIEW	Rule 59(e) relief is an extraordinary remedy generally available only for newly discovered evidence, clear error, or an intervening change in controlling law; it may not be used to present arguments or evidence that could have been raised earlier. Rule 60(b)(4) relief is reserved for judgments based on certain jurisdictional errors or due-process violations, generally requiring that the issuing court lacked even an arguable basis for jurisdiction.
PRECEDENTIAL VALUE	persuasive

TOPICS

motion for reconsideration · automatic stay · subject matter jurisdiction · bankruptcy · civil procedure

PRACTICE AREAS

Civil procedure · Bankruptcy · Real estate litigation · Foreclosure

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to relief under Rule 59(e) based on an alleged change in law and arguments challenging the prior res judicata ruling.
2. Whether the judgment was void under Rule 60(b)(4) because plaintiff filed for bankruptcy during the pendency of the civil action.
3. Whether the automatic stay arising from plaintiff's bankruptcy extended to this lawsuit initiated by plaintiff.

HOLDINGS

1. Relief under Rule 59(e) was unwarranted because plaintiff did not identify newly discovered evidence, clear error, or an intervening change in controlling law, and he could have raised his new arguments earlier.
2. The judgment was not void because plaintiff's bankruptcy filing did not deprive the district court of subject matter jurisdiction over plaintiff's pending civil lawsuit.

KEY QUOTATIONS

> *"Although Rule 59(e) permits a district court to reconsider and amend a previous order, the rule offers an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources."* (at 2)

> *"Rule 60(b)(4) applies only in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard."* (at 3)

> *"A bankruptcy notice results in an automatic stay, but the stay does not extend to lawsuits initiated by the debtor."* (at 3)

FACTUAL BACKGROUND

The action arose from unlawful detainer proceedings concerning a San Diego condominium that plaintiff alleged had been wrongfully foreclosed and resold even though the underlying home-equity loan was never funded. Plaintiff filed claims including deceit, foreclosure-statutory violations, unfair competition, quiet title, conversion, and interference with prospective economic advantage. During the litigation, plaintiff filed for bankruptcy on December 9, 2024, and argued that the bankruptcy filing deprived the district court of jurisdiction to enter judgment.

PROCEDURAL HISTORY

Plaintiff filed an action arising from an unlawful detainer and alleged defects in a foreclosure involving a California condominium. The court previously dismissed several defendants for lack of proper service, dismissed Wells Fargo and Bahr on res judicata grounds, granted Marshall summary judgment, and entered final judgment. Plaintiff then filed Rule 59 and Rule 60 motions, both of which the court denied.

DISPOSITION

other

CASES CITED

- Kona Enters., Inc. v. Est. of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999)
- 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999)
- Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003)
- Rose Ct., LLC v. Select Portfolio Servicing, Inc., 119 F.4th 679 (9th Cir. 2024)
- United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 271 (2010)
- In re Palmdale Hills Prop., LLC, 423 B.R. 655, 663 (B.A.P. 9th Cir. 2009)