

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Tricia Marie Myers v. Itasca County HRA, Diane Larson, Carrie Schmitz, and Kenda Roddenberg

Myers · No. Civil No. 24-1395 (JRT/LIB) · Decided December 4, 2025

SUMMARY

The United States District Court for the District of Minnesota denied Tricia Marie Myers’s motion to vacate summary judgment, construing it as an untimely and procedurally improper motion for reconsideration. The court granted Myers’s motion to extend the time to file a notice of appeal based on good cause and excusable neglect, deemed her notice timely, and granted her application to proceed in forma pauperis on appeal.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	John R. Tunheim
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	December 4, 2025
DOCKET	Civil No. 24-1395 (JRT/LIB)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to vacate the court's prior summary judgment order, extend the time to file a notice of appeal, and proceed in forma pauperis on appeal. The district court denied the motion to vacate, granted an extension that rendered the notice of appeal timely, and granted in forma pauperis status.
STANDARD OF REVIEW	A motion to extend the time for appeal under Federal Rule of Appellate Procedure 4(a)(5) is evaluated under an equitable good-cause or excusable-neglect inquiry considering all relevant circumstances, with particular emphasis on the reason for delay. A Rule 59(e) motion is governed by the rule's post-judgment timing requirement and the applicable standards for altering or amending judgment.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

PARTIES

Tricia Marie Myers v. Itasca County HRA, Diane Larson, Carrie Schmitz, Kenda Roddenberg

TOPICS

motion for reconsideration

summary judgment

appellate procedure

civil procedure

standard of review

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

federal courts

QUESTIONS PRESENTED

1. Whether Myers's motion to vacate the summary judgment order was timely and properly brought under Federal Rule of Civil Procedure 59(e).
2. Whether the motion to vacate should be construed as an unauthorized motion for reconsideration under District of Minnesota Local Rule 7.1(j).
3. Whether Myers established good cause or excusable neglect warranting an extension of the time to file her notice of appeal under Federal Rule of Appellate Procedure 4(a)(5).
4. Whether Myers qualified to proceed in forma pauperis on appeal under 28 U.S.C. § 1915.

HOLDINGS

1. A motion to vacate or alter a judgment brought under Federal Rule of Civil Procedure 59(e) must be filed within 28 days after entry of judgment; Myers's motion, filed more than 28 days after summary judgment, was untimely.
2. A motion that seeks essentially the same relief previously denied by the court will be construed as a motion to reconsider, and in the District of Minnesota such a motion requires prior court permission and compelling circumstances.
3. The district court may extend the time to file a notice of appeal when the motion is filed within 30 days after the original appeal deadline and the movant demonstrates good cause or excusable neglect; Myers satisfied those requirements.
4. A litigant may proceed in forma pauperis on appeal when unable to pay the filing fee and when the appeal is taken in good faith; Myers satisfied both requirements.

KEY QUOTATIONS

“Rule 59(e) motions cannot be used to introduce evidence that was available prior to entry of judgment, to re-litigate old issues or to advance new theories and are not intended to routinely give litigants a second bite at the apple, but to afford an opportunity for relief in extraordinary circumstances.” (Motion to Vacate Summary Judgment)

“The inquiry as to whether a party has shown good cause or excusable neglect is an “equitable one” that takes “account of all relevant circumstances.”” (Motion to Extend Time)

FACTUAL BACKGROUND

The Itasca County Housing and Redevelopment Authority terminated Myers's housing vouchers after discovering that she had engaged in illicit drug use. Myers alleged that the termination violated her due process and equal protection rights. The district court previously determined that the HRA provided the notice and opportunity to be heard required by the applicable regulations and Constitution, including offering an informal hearing that Myers waived.

PROCEDURAL HISTORY

Myers sued the Itasca County Housing and Redevelopment Authority and several employees under due process and equal protection theories after termination of her housing vouchers. The district court previously granted defendants' motion for summary judgment and entered judgment on August 20, 2025. Myers filed a motion to vacate more than 28 days after judgment, then filed a notice of appeal and related motions. The court denied reconsideration, extended the appeal deadline under Federal Rule of Appellate Procedure 4(a)(5), and granted IFP status.

DISPOSITION

other

CASES CITED

- Nordgren v. Hennepin Cnty., Civ. No. 21-125, 2022 WL 1125955, at *1 (D. Minn. Apr. 15, 2022)
- United States v. Petters, Civ. No. 08-5348, 2016 WL 4925783, at *1 (D. Minn. Sept. 15, 2016)
- Gibbons v. United States, 317 F.3d 852, 854 (8th Cir. 2003)
- Lowry v. McDonnell Douglas Corp., 211 F.3d 457, 463 (8th Cir. 2000)