

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA, MIAMI DIVISION

Ravi Kadiyala, individually, and as the assignee of Credit Union
Mortgage Utility Banc, Inc. v. Mark John Pupke, et al.

Kadiyala v. Pupke · No. 17-cv-80732-GAYLES/MATTHEWMAN · Decided April 1, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopts a magistrate judge’s report and recommendation and denies defendants’ motion under Federal Rule of Civil Procedure 60(b)(6) to vacate the plaintiffs’ judgment. The court concludes that the motion was untimely and that defendants failed to establish fraud on the court or extraordinary circumstances warranting relief.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida, Miami Division
WRITING FOR THE COURT	Darrin P. Gayles
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	April 1, 2026
DOCKET	17-cv-80732-GAYLES/MATTHEWMAN
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 60(b)(6) to vacate the plaintiffs' judgment. A magistrate judge issued a report recommending denial, defendants objected, and the district court reviewed the objections and report before denying the motion.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report and recommendation are reviewed de novo when they pinpoint the specific findings disputed; portions lacking a specific objection are reviewed for clear error.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.
PARTIES	Ravi Kadiyala, individually, and as the assignee of Credit Union Mortgage Utility Banc, Inc. v. Mark John Pupke, et al.

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QUESTIONS PRESENTED

1. What standard of review governs a district court's consideration of objections to a magistrate judge's report and recommendation?
2. Whether defendants' Rule 60(b)(6) motion to vacate the plaintiffs' judgment should be granted.

HOLDINGS

1. Specific objections to a magistrate judge's report and recommendation receive de novo review, while portions to which no specific objection is made are reviewed for clear error.
2. Defendants were not entitled to vacatur of the plaintiffs' judgment because the motion was untimely and, even if timely, defendants failed to establish fraud on the court or extraordinary circumstances warranting relief.

FACTUAL BACKGROUND

Defendants sought to vacate the plaintiffs' judgment under Rule 60(b)(6). The motion was referred to Chief Magistrate Judge William Matthewman, who recommended denial because the motion was untimely and, alternatively, because defendants had not shown fraud on the court or extraordinary circumstances. After defendants filed objections, the district court reviewed the report, objections, and record.

PROCEDURAL HISTORY

The action was referred to Chief Magistrate Judge William Matthewman under 28 U.S.C. § 636(b)(1)(B). On January 22, 2026, Judge Matthewman recommended denying defendants' Rule 60(b)(6) motion, concluding that it was untimely and that defendants had not established fraud on the court or extraordinary circumstances warranting relief. The district court conducted de novo review of the record and adopted the report and recommendation in full.

DISPOSITION

other

CASES CITED

- United States v. Schultz, 565 F.3d 1353, 1360 (11th Cir. 2009)
- Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI
DIVISION CASE NO.: 17-cv-80732-GAYLES/MATTHEWMAN RAVI KADIYALA,
individually, and as the assignee of CREDIT UNION MORTGAGE UTILITY BANC, INC.,
Plaintiffs, v. MARK JOHN PUPKE, et al., Defendants.

_____/ ORDER THIS CAUSE comes before the Court on
Defendants' Motion to Vacate Plaintiffs' Judgment Under Rule 60(b)(6) (the "Motion").

[ECF No. 356]. The action was referred to Chief Magistrate Judge William Matthewman, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling. [ECF No. 374]. On January 22, 2026, Judge Matthewman issued his report recommending that the Motion be denied (the "Report"). [ECF No. 381]. Defendants have timely objected to the Report. [ECF No. 383]. A district court may accept, reject, or modify a magistrate judge's report and recommendation.

28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded de novo review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); see also *Fed. R. Civ. P. 72(b)(3)*. Any portions of the report and recommendation to which no specific objection is made are reviewed only for clear error.

Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). In his Report, Judge Matthewman finds that the Motion is untimely and, even if it were timely, Defendants fail to establish fraud on the Court or extraordinary circumstances that would warrant vacating the judgment.

The Court has reviewed the Report and Defendants' objections and has conducted a de novo review of the record. The Court agrees with Judge Matthewman's findings and recommendation that the Motion be denied. CONCLUSION Accordingly, after careful consideration, it is ORDERED AND ADJUDGED as follows: (1) Judge Matthewman's Report and Recommendation, [ECF No. 381], is ADOPTED in full; (2) Defendants' Motion to Vacate Plaintiffs' Judgment Under Rule 60(b)(6), [ECF No. 356], is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 1st day of April, 2026. of DARRIN P. GAYLES UNITED STATES DISTRICT JUDGE