

**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.

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