

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Ronell L. Roberts v. Warden

Roberts · No. 3:24-CV-208-PPS-JEM · Decided December 23, 2025

SUMMARY

The United States District Court for the Northern District of Indiana denied Ronell L. Roberts’s second motion for relief under Federal Rule of Civil Procedure 60(b). The court held that the motion, which sought reconsideration of the dismissal of his untimely habeas petition based on equitable tolling, was governed by Rule 60(b)(1) or (2) and was filed more than one year after the judgment, making it untimely.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	December 23, 2025
DOCKET	3:24-CV-208-PPS-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a second motion under Federal Rule of Civil Procedure 60(b) seeking relief from the order dismissing his habeas petition as untimely and asking the court to reconsider its prior rulings concerning equitable tolling.
STANDARD OF REVIEW	A Rule 60(b) motion must be filed within a reasonable time, and motions based on Rule 60(b)(1), (2), or (3) must be filed no more than one year after entry of the judgment or order. The court may not extend that deadline under Rule 6(b)(2).
PRECEDENTIAL VALUE	unpublished
PARTIES	Ronell L. Roberts v. Warden

TOPICS

federal habeas corpus

motion for reconsideration

post-conviction relief

statute of limitations

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether Roberts's second Rule 60(b) motion was subject to the one-year deadline applicable to motions under Rule 60(b)(1) or (2).
2. Whether the court could extend the Rule 60(b) deadline or grant relief under Rule 60(b)(6) despite the motion's untimeliness.

HOLDINGS

1. Because Roberts's motion was most fairly characterized as arising under Rule 60(b)(1) or Rule 60(b)(2), it was subject to Rule 60(c)(1)'s one-year filing deadline.
2. The court lacked authority to extend the applicable Rule 60(b) deadline, and Roberts's motion, filed more than seven months late, had to be denied as untimely.

KEY QUOTATIONS

“Accordingly, [courts] have held that the first three clauses of Rule 60(b) and the catchall clause are mutually exclusive.”

“Because Roberts filed this motion more than seven months too late, I deny this motion as untimely.”

FACTUAL BACKGROUND

Roberts is a prisoner who filed a habeas petition that the court dismissed as untimely under 28 U.S.C. § 2244(d). He later sought equitable tolling based on limited access to the law library and filed a second Rule 60(b) motion offering additional detail in support of that argument more than one year after the original dismissal.

PROCEDURAL HISTORY

The court dismissed Roberts's habeas petition on May 1, 2024, as untimely under 28 U.S.C. § 2244(d), also finding that his actual-innocence assertion did not satisfy *Schlup v. Delo*. Roberts filed a first Rule 60(b) motion on November 4, 2024, which the court denied on November 6, 2024. He filed the present second Rule 60(b) motion on December 19, 2025; the court denied it as untimely.

DISPOSITION

dismissed

CASES CITED

- *Arrieta v. Battaglia*, 461 F.3d 861, 865 (7th Cir. 2006)
- *Schlup v. Delo*, 513 U.S. 298, 327-29 (1995)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION RONELL L ROBERTS, Petitioner, v. CAUSE NO. 3:24-CV-208-PPS-JEM WARDEN, Respondent. OPINION AND ORDER Ronell L Roberts, a prisoner without a lawyer, filed a second motion for relief from my order denying his habeas petition pursuant to Fed. R. Civ. P. Rule 60(b). ECF 19. Rule 60 authorizes me to relieve a party from a final judgment based on: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; or...

(6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b). “A motion under Rule 60(b) must be made within a reasonable time and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.” Fed. R. Civ. P. 60(c)(1). “[I]f the asserted ground for relief falls within one of the enumerated grounds for relief subject to the one-year time limit of Rule 60(b), relief under the residual provision of Rule 60(b)(6) is not available.” *Arrieta v. Battaglia*, 461 F.3d 861, 865 (7th Cir.

2006). “To permit relief under the catchall provision in such situations would render the one-year time limitation meaningless.” *Id.* “Accordingly, [courts] have held that the first three clauses of Rule 60(b) and the catchall clause are mutually exclusive.” *Id.* (citation omitted). “A court must not extend the time to act under... Rule 60(b).” Fed. R. Civ. P. 6(b)(2).

On May 1, 2024, I dismissed the habeas petition because it was untimely under 28 U.S.C. § 2244(d) and because the assertion of actual innocence did not satisfy the standard set forth in *Schlup v. Delo*, 513 U.S. 298, 327-29 (1995). ECF 5.

On November 4, 2024, Roberts filed his first motion for relief under Rule 60(b), arguing that I should excuse the untimely nature of the petition based on equitable tolling. ECF 16. On November 6, 2024, I denied that motion, finding that his description of limited access to the law library was too vague to demonstrate that he was entitled to equitable tolling.

ECF 17. On December 19, 2025, Roberts filed this motion for relief under Rule 60(b), in which he provides more detail to support his equitable tolling argument and asks me to reconsider the dismissal of this case. Notably, this motion is most fairly characterized as falling under either Rule 60(b)(1) or Rule 60(b)(2). This motion is thus subject to the one-year deadline set forth in Fed.

R. Civ. P. 60(c)(1), and I do not have authority to extend this deadline. Because Roberts filed this motion more than seven months too late, I deny this motion as untimely. For these reasons the

court DENIES the motion for relief from a judgment or order (ECF 19). SO ORDERED on December 23, 2025. /s/ Philip P. Simon JUDGE UNITED STATES DISTRICT COURT

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