

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION

Jefferson v. Akins

Jefferson v. Akins · No. 1:23-CV-51-ACL · Decided May 21, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied the plaintiff’s motions for reconsideration and disqualification or recusal in a closed civil action. The court concluded that the motions presented no new arguments and directed the Clerk to return any future filings in the matter unfiled.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
WRITING FOR THE COURT	Abbie Crites-Leoni
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	May 21, 2026
DOCKET	1:23-CV-51-ACL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration and for disqualification or recusal after the Court had dismissed the action without prejudice and denied earlier post-judgment motions.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status not stated in the opinion.
PARTIES	Elmer Lee Jefferson v. Sterling Akins

TOPICS

- motion for reconsideration
- service of process
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- judicial disqualification and recusal

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for reconsideration should be granted when it presented no new or novel arguments and merely repeated prior challenges to the sufficiency of service.
2. Whether Plaintiff's motion for disqualification or recusal should be granted.
3. Whether the Clerk should be directed to return future documents submitted in the closed matter unfiled.

HOLDINGS

1. The motion for reconsideration was denied because it presented no new or novel arguments and again challenged the previously resolved issue of insufficient service.
2. The motion for disqualification or recusal was denied.
3. The Clerk was directed to return any additional documents Plaintiff submitted in the closed matter unfiled.

KEY QUOTATIONS

“There are no new or novel arguments contained in the motions before this Court. The Court will therefore deny the motions and direct the Clerk to return any future documents to Plaintiff unfiled.” (2)

FACTUAL BACKGROUND

Plaintiff failed to properly serve Defendant and failed to comply with Court orders, resulting in dismissal without prejudice. Plaintiff repeatedly challenged the Court's determination that service was insufficient through an appeal and multiple post-judgment motions, but presented no new or novel arguments in the motions at issue.

PROCEDURAL HISTORY

The Court dismissed the action without prejudice under Federal Rules of Civil Procedure 4 and 41(b) because Plaintiff failed to properly serve the sole defendant and failed to comply with Court orders. The Eighth Circuit summarily affirmed the dismissal, denied Plaintiff's motion to transfer the action, and issued its mandate. Plaintiff then filed successive Rule 60 motions, which were denied, followed by the present motions for reconsideration and disqualification or recusal; the Court denied both and directed the Clerk to return future documents in the closed matter unfiled.

DISPOSITION

other

CASES CITED

- Jefferson v. Akins, No. 23-3486, 2023 WL 9286052, at *1 (8th Cir. 2023)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION ELMER LEE JEFFERSON,)) Plaintiff,)) v.) No. 1:23-CV-51-

ACL) STERLING AKINS,) Defendant.) MEMORANDUM AND ORDER This closed civil matter is again before the Court upon Plaintiff Elmer Lee Jefferson's motion for reconsideration, ECF No. 49, and a motion for disqualification/recusal, ECF No. 50.

For the following reasons, the motions will be denied. On October 23, 2023, the Court dismissed this action without prejudice pursuant to Rule 4 of the Federal Rules of Civil Procedure for plaintiff's failure to properly serve the sole defendant, and pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for non-compliance with Court Orders. ECF Nos. 25, 26.

Plaintiff subsequently filed a notice of appeal, ECF No. 27, and "Motion for Transfer to Another District; Washington D.C. by Clerk of District Court," ECF No. 34. On December 21, 2023, the United States Court of Appeals for the Eighth Circuit summarily affirmed this Court's dismissal. ECF No. 35; Jefferson v. Akins, No. 23-3486, 2023 WL 9286052, at *1 (8th Cir.

2023). On January 4, 2024, the Eighth Circuit denied Plaintiff's motion to transfer this action to the D.C. Circuit. ECF No. 37. The mandate was issued on January 16, 2024. ECF No. 40. On January 22, 2024, Plaintiff filed a post-judgment "Motion for Relief from a Judgment or Order under Rule 60(a); 60(b)(3) / Judicial Economy Exception to the Final Rule for Fraud / Blocked PDF." ECF No. 42.

The Court denied this motion under Rule 60, noting the motion only presented conclusory allegations and failed to demonstrate exceptional circumstances warranting extraordinary relief under Rule 60. Id. at 3. On October 6, 2025, plaintiff filed a post-judgment "Motion to Vacate and Set Aside the Order and Default Judgment." ECF No. 44. Again, Plaintiff argued he is entitled to relief under Rule 60(b) because he believed the Court improperly determined that his service was insufficient.

The Court denied this motion on January 6, 2026, noting that Plaintiff's motion merely re-litigated his prior claims that were already considered and denied. ECF No. 48. Plaintiff filed the instant motions on January 12, and January 20, 2026. ECF Nos. 49 and 50. Plaintiff again argues that this Court is in error as to the issue of his service being insufficient..

There are no new or novel arguments contained in the motions before this Court. The Court will therefore deny the motions and direct the Clerk to return any future documents to Plaintiff unfiled. Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration [ECF No. 49] is DENIED. IT IS FURTHER ORDERED that Plaintiff's motion for disqualification/recusal [ECF No. 50] is DENIED.

IT IS FURTHER ORDERED that, should Plaintiff submit any additional documents in this closed matter, the Clerk of Court shall return them to Plaintiff unfiled. Dated this 21st day of May, 2026.
/s/ Abbie Crites-Leoni ABBIE CRITES-LEONI UNITED STATES MAGISTRATE JUDGE 2

