

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Cameron McKinney and Caron McKinney v. Sgt. Murray, et al.

McKinney v. Murray · No. 3:25-CV-02196-SPM · Decided March 5, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denies the plaintiffs’ Rule 60(b) motion for relief from judgment and request for an indicative ruling under Rule 62.1. The court concludes that the plaintiffs did not establish excusable neglect or extraordinary circumstances, and that their proposed amended complaint would not have survived preliminary screening. The court also denies their motions to appeal in forma pauperis but grants their motion for electronic notice and service.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 5, 2026
DOCKET	3:25-CV-02196-SPM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 60(b) for relief from the judgment, requested an indicative ruling under Rule 62.1, moved to appeal in forma pauperis, and sought electronic notice and service after the action had been dismissed with prejudice for failure to prosecute.
STANDARD OF REVIEW	Rule 60(b) relief is an extraordinary remedy available only in exceptional or extraordinary circumstances. Excusable neglect is evaluated equitably by considering all relevant circumstances, including prejudice, the length and impact of delay, the reason for delay and whether it was within the movant's control, and good faith. For an appeal in forma pauperis, the court determines whether the appeal is taken in good faith and is not clearly frivolous.
PRECEDENTIAL VALUE	unpublished

PARTIES

Cameron McKinney, Caron McKinney v. Sgt. Murray, Officers Thomas and Gulley, City of Carbondale, Illinois

TOPICS

motion for reconsideration

mootness

appellate procedure

civil procedure

section 1983

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

remedies

QUESTIONS PRESENTED

1. Whether plaintiffs were entitled to relief from the judgment under Federal Rule of Civil Procedure 60(b) (1) or 60(b)(6) based on alleged lack of notice, delayed mail service, excusable neglect, or extraordinary circumstances.
2. Whether the district court retained jurisdiction to decide the Rule 60(b) motion after plaintiffs filed a notice of appeal.
3. Whether the court should issue an indicative ruling under Federal Rule of Civil Procedure 62.1.
4. Whether plaintiffs could proceed on appeal in forma pauperis.
5. Whether plaintiffs were entitled to electronic notice and consent to electronic service.

HOLDINGS

1. The filing of the notice of appeal did not deprive the district court of jurisdiction to decide the pending Rule 60(b) motion because Federal Rule of Appellate Procedure 4(a)(4)(A) suspended the appeal as to an order disposing of a Rule 60 motion.
2. Plaintiffs were not entitled to relief from judgment under Rule 60(b)(1) or Rule 60(b)(6). Their failure to meet the court-ordered deadline did not constitute excusable neglect or extraordinary circumstances warranting relief.
3. The court denied the request for an indicative ruling because it denied the Rule 60(b) motion and found that plaintiffs did not raise a substantial issue.
4. Plaintiffs were not entitled to proceed in forma pauperis on appeal because their financial affidavit did not establish indigence and inability to pay the filing fee.

KEY QUOTATIONS

“Rule 60(b) relief is an extraordinary remedy and is granted only in exceptional circumstances.”

“Relief under the Rule 60(b)(6) catchall ‘requires extraordinary circumstances.’”

“the appeal is suspended—dormant—unripe.”

FACTUAL BACKGROUND

Plaintiffs alleged that they were lawful tenants at a Carbondale, Illinois residence and were unlawfully excluded from it by law-enforcement defendants. They asserted federal constitutional claims and state-law claims, but failed to timely file the amended complaint and renewed in forma pauperis motion ordered by the court. They attributed the failure to delayed receipt of the order and mail-delivery problems, although the court found that they had not updated their address and had mailed documents too late to meet the deadline. Their proposed amended complaint also failed to cure deficiencies identified by the court and would not have survived preliminary screening even if timely filed.

PROCEDURAL HISTORY

Plaintiffs filed a civil-rights and state-law complaint concerning their alleged exclusion from a residence. The court dismissed the complaint without prejudice, denied their initial in forma pauperis request, and ordered an amended complaint and renewed in forma pauperis motion by a specified deadline, warning that failure to comply would result in dismissal for failure to prosecute. After plaintiffs failed to timely comply, the court dismissed the action with prejudice; it later denied a Rule 59(e) motion. In this order, the court denied Rule 60(b) relief and both motions to appeal in forma pauperis, granted electronic filing access, and denied the Rule 62.1 request for an indicative ruling.

DISPOSITION

other

CASES CITED

- Mares v. Busby, 34 F.3d 533, 535 (7th Cir. 1994)
- Dickerson v. Board of Educ., 32 F.3d 1114 (7th Cir. 1994)
- Gonzalez-Koeneke v. West, 791 F.3d 801, 807 (7th Cir. 2015)
- Foster v. DeLuca, 545 F.3d 582, 584 (7th Cir. 2008)
- Daniels v. Hughes, 147 F.4th 777, 786 (7th Cir. 2025)
- BLOM Bank SAL v. Honickman, 605 U.S. 204, 214 (2025)
- Bell v. Eastman Kodak Co., 214 F.3d 798, 801 (7th Cir. 2000)
- Raymond v. Ameritech Corp., 442 F.3d 600, 607 (7th Cir. 2006)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993)
- Teen v. Hale, No. 18-CV-01473-JPG, 2021 WL 1736926, at *1 (S.D. Ill. May 3, 2021)
- Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)
- May v. Sheahan, 226 F.3d 876, 879 (7th Cir. 2000)
- Florian v. Sequa Corp., 294 F.3d 828, 829-30 (7th Cir. 2002)
- Otis v. City of Chicago, 29 F.3d 1159, 1166 (7th Cir. 1994) (en banc)
- United Comput. Sys., Inc. v. AT & T Corp., 291 F.3d 1150, 1153 (9th Cir. 2002)
- Miles v. Gen. Motors Corp., 262 F.3d 720, 722-23 (8th Cir. 2001)
- Ibrahim v. District of Columbia, 208 F.3d 1032, 1034 (D.C. Cir. 2000)

- *Wienco, Inc. v. Katahn Assocs., Inc.*, 965 F.2d 565, 568 (7th Cir. 1992)
- *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000)
- *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000)
- *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005)
- *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997)
- *Lucien v. Breweur*, 9 F.3d 26, 29 (7th Cir. 1993)

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