

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

Judy Arlene Redmond v. Paul Hopkins, et al.

Redmond · No. 1:24CV38 ACL · Decided January 22, 2026

SUMMARY

The court denies Judy Arlene Redmond’s motion for reconsideration of the dismissal of her employment discrimination action and finds her motion to docket and provide public access moot. The court concludes that the motion was untimely under Federal Rule of Civil Procedure 59(e) and that the post-dismissal evidence did not support relief under Rule 60(b). The action involved alleged denial of disability accommodations during federal employment and failure to exhaust administrative remedies.

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	January 22, 2026
DOCKET	1:24CV38 ACL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's prior order dismissing her Title VII and Rehabilitation Act claims and separately moved to docket and make publicly available the dismissal order and related filings.
STANDARD OF REVIEW	Relief under Rule 59(e) is limited to correcting manifest errors of law or fact or considering newly discovered evidence, and a Rule 59(e) motion must be filed within 28 days after entry of judgment. Rule 60(b) relief is available only in exceptional circumstances, and Rule 60(b)(2) applies only to evidence that existed at the time of the judgment and could not have been discovered earlier with reasonable diligence.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; limited precedential value

PARTIES

Judy Arlene Redmond v. Paul Hopkins, Rebecca Wertenberger, James Monahan, Jeffery Serrano, Wanda Newton, Denis McDonough, Secretary of Veterans Affairs

TOPICS

motion for reconsideration

civil procedure

employment discrimination

disability discrimination

exhaustion of remedies

PRACTICE AREAS

civil procedure

employment law

federal employment law

civil rights

administrative law

QUESTIONS PRESENTED

1. Whether Redmond's motion for reconsideration was timely under Federal Rule of Civil Procedure 59(e).
2. Whether evidence created after the prior dismissal supported relief under Federal Rule of Civil Procedure 60(b)(2).
3. Whether Redmond's motion to docket and make the dismissal order and related filings publicly available was moot.

HOLDINGS

1. The motion was untimely because Rule 59(e) required filing within 28 days after the October 17, 2024 judgment, but Redmond did not file until June 27, 2025.
2. Evidence that came into existence after the court's prior decision cannot support relief under Rule 60(b)(2).
3. The motion was moot because the dismissal order and all other filings in the matter had already been docketed and were publicly available.

KEY QUOTATIONS

“Rule 59(e) motions serve the limited function of correcting ‘manifest errors of law or fact or to present newly discovered evidence.’”

“Rule 60(b) authorizes relief in only the most exceptional of cases.”

“There can be no Rule 60(b)(2) relief for evidence which has only come into existence after the trial is over, for the obvious reason that to allow such a procedure could mean the perpetual continuation of all trials.”

FACTUAL BACKGROUND

Redmond alleged that defendants denied her reasonable accommodations for physical and mental disabilities during her employment as a purchasing agent for the United States Department of Veterans Affairs. The court previously dismissed her complaint in part because she had not exhausted administrative remedies for a

Rehabilitation Act claim. Redmond's reconsideration motion relied on administrative materials and communications created between February and April 2025, after the court's October 17, 2024 dismissal.

PROCEDURAL HISTORY

Redmond filed a complaint alleging that she was denied reasonable accommodations for physical and mental disabilities during her employment as a purchasing agent for the Department of Veterans Affairs. On October 17, 2024, the court granted defendants' motion to dismiss, concluding that the Title VII complaint failed to state a claim and that Redmond had failed to exhaust administrative remedies for a Rehabilitation Act claim; the court also denied leave to amend as futile. Redmond filed her motion for reconsideration on June 27, 2025, relying on evidence arising after the dismissal. The court denied reconsideration and found her motion to docket and provide public access moot.

DISPOSITION

other

CASES CITED

- United States v. Metropolitan St. Louis Sewer District, 440 F.3d 930, 933 (8th Cir. 2006)
- Innovative Home Health Care v. P.T.-O.T. Associates of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998)
- Noah v. Bond Cold Storage, 408 F.3d 1043, 1045 (8th Cir. 2005)
- International Brotherhood of Electrical Workers, Local Union No. 545 v. Hope Electric Corp., 293 F.3d 409, 415 (8th Cir. 2002)
- Strategic Energy Concepts, LLC v. Otoka Energy, 120 F.4th 1339, 1345 (8th Cir. 2024)
- N.L.R.B. v. Jacob E. Decker and Sons, 569 F.2d 357, 364 (5th Cir. 1978)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION JUDY ARLENE REDMOND,)) Plaintiff,)) vs.))) Case No.
1:24CV38 ACL PAUL HOPKINS, et al.,)) Defendants.) MEMORANDUM AND ORDER This
closed action is before the Court on pro se Plaintiff Judy Redmond’s Motion for Reconsideration.
(Doc. 29.) Also pending is Plaintiff’s “Motion to Docket and for Public Access.” (Doc.

31.) I. Background Plaintiff filed her Complaint under Title VII of the Civil Rights Act of 1964 (“Title VII”) against Denis McDonough, Secretary of Veterans Affairs (“Secretary McDonough”); Paul Hopkins; Rebecca Wertenberger; James Monahan; Jeffery Serrano; and Wanda Newton. (Doc. 1.) Redmond alleged that she was denied reasonable accommodations for her physical and mental disabilities during her employment as a purchasing agent for the United States Veterans Affairs.

In a Memorandum and Order dated October 17, 2024, the Court granted Defendants’ Motion to Dismiss, finding Plaintiff’s Complaint failed to state a claim upon which relief could be granted

under Title VII, and Plaintiff failed to exhaust her administrative remedies as to a claim under the Rehabilitation Act. (Doc. 28.)

The Court denied Plaintiff's requests to amend her Complaint as futile. *Id.* Plaintiff now requests that the Court reconsider its decision dismissing her Complaint. She argues that she has not yet been issued a Final Agency Decision in connection with her underlying administrative complaint, and that significant new evidence has been received subsequent to the Court's dismissal of her claims.

Plaintiff has also filed a Motion to Docket and make publicly available the Court's order dismissing her Complaint, "and all related filings in the above-captioned matter." (Doc. 31 at 1.) Defendant opposes both Motions. II. Legal Standards Under Rule 59(e), a party may file "[a] motion to alter or amend a judgment... no later than 28 days after the entry of judgment." "Rule 59(e) motions serve the limited function of correcting 'manifest errors of law or fact or to present newly discovered evidence.'" *United States v. Metro.*

St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2006) (quoting *Innovative Home Health Care v. P.T.-O.T. Assoc. of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998)). The Eighth Circuit "has consistently held that Rule 59(e) motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments [that] could have been offered or raised prior to the entry of judgment." *Id.* at 934 (citations omitted).

Under Rule 60(b), "[o]n motion and just terms, the [C]ourt may relieve a party...from a final judgment" in certain circumstances. Fed. R. Civ. P. 60(b). Those circumstances include, among others, "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial..." Fed. R. Civ. P. 60(b)(2). "Rule 60(b) authorizes relief in only the most exceptional of cases." *Noah v. Bond Cold Storage*, 408 F.3d 1043, 1045 (8th Cir.

2005) (quoting *Int'l Bhd. of Elec. Workers, Local Union No. 545 v. Hope Elec. Corp.*, 293 F.3d 409, 415 (8th Cir. 2002)). III. DISCUSSION Upon review of the record and plaintiff's motion, the Court finds plaintiff is not entitled to relief under Rule 59(e) or Rule 60(b). Rule 59 (e) Under Rule 59(e), Plaintiff was required to file her Motion "no later than 28 days after the entry of the judgment." Fed.

R. Civ. P. 59(e). The undersigned issued its Memorandum and Order dismissing Plaintiff's Complaint on October 17, 2024. (Doc. 28.) Plaintiff's Motion was due no later than November 14, 2024. Because Plaintiff did not file her Motion until June 27, 2025, it is untimely. Rule 60 (b) "A Rule 60(b) motion permits consideration only of facts which were in existence at the time of the action being reconsidered." *Strategic Energy Concepts, LLC v. Otoka Energy*, 120 F.4th 1339, 1345 (8th Cir.

2024) (citations and quotations omitted). This means that “[t]here can be no Rule 60(b)(2) relief for evidence which has only come into existence after the trial is over, for the obvious reason that to allow such a procedure could mean the perpetual continuation of all trials.” *N.L.R.B. v. Jacob E. Decker and Sons*, 569 F.2d 357, 364 (5th Cir. 1978) (citations and quotations omitted).

Plaintiff seeks reconsideration based on evidence “dated between March 2025 and early 2025.” (Doc. 29 at 3-4.) She describes this evidence as including the following: (1) a March 28, 2025 email [Doc. 29-1]; (2) a Report of Investigation [not filed]; (3) an April 17, 2025, Referral of Complaint for Final Agency Decision [Doc. 29-2]; (4) an April 17, 2025, Notice of Advisement of Rights [Doc.

29-3]; and a February 7, 2025, Notice of Receipt of “Mixed Case” Discrimination Complaint [Doc. 29-4]. *Id.* at 4. Because all of the evidence Plaintiff cites only came into existence after the undersigned’s October 17, 2024 decision, she is not entitled to relief under Rule 60(b). Additionally, Plaintiff fails to explain how the newly discovered evidence would produce a different result.

The Court dismissed Plaintiff’s Complaint, in part, because she failed to exhaust her administrative remedies. In her Motion, Plaintiff admits that the undersigned dismissed her Complaint “while the administrative proceedings were still pending and before the issuance of a FAD [Final Agency Decision].” (Doc. 28 at 5.)

Thus, Plaintiff’s Motion to Reconsider will be denied. As noted above, Plaintiff has also filed a Motion to Docket and make publicly available the Court’s decision dismissing her Complaint, “and all related filings in the above-captioned matter.” (Doc. 31 at 1.)

Because the October 17, 2024 Memorandum and Order dismissing Plaintiff’s Complaint, as well as all other filings in this matter have been docketed and are publicly available, this Motion will be found moot. Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion for Reconsideration (Doc. 29) is denied. IT IS FURTHER ORDERED that Plaintiff’s “Motion to Docket and for Public Access” (Doc.

31) is found moot. /s/ Abbie Crites-Leoni ABBIE CRITES-LEONI UNITED STATES MAGISTRATE JUDGE Dated this 22nd day of January, 2026.