

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

James W. Riley v. Brian Emig, Warden, and Attorney General of the State of Delaware

Riley · No. C.A. No. 04-1435-CFC · Decided June 15, 2026

SUMMARY

The United States District Court for the District of Delaware grants James W. Riley permission to file a motion to reopen his prior federal habeas proceedings. The court dismisses the Rule 60(b)(4) motion without prejudice as an unauthorized successive habeas petition because it challenges the underlying state-court judgment without prior authorization from the Third Circuit. Alternatively, the court denies the motion as untimely and declines to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Delaware
JURISDICTION	United States District Court for the District of Delaware
DECIDED	June 15, 2026
DOCKET	C.A. No. 04-1435-CFC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought permission to file a Rule 60(b)(4) motion to reopen a previously denied federal habeas proceeding. The court granted permission to file the motion, then dismissed the motion without prejudice as an unauthorized second or successive habeas petition and alternatively denied it as untimely.
STANDARD OF REVIEW	A Rule 60(b)(4) motion is subject to the requirements governing successive habeas applications when it asserts a new ground for habeas relief or attacks the federal court's prior merits resolution. A motion challenging the integrity of the prior federal habeas proceeding may be considered under Rule 60(b), but it must be filed within a reasonable time under Rule 60(c)(1).
PRECEDENTIAL VALUE	Unpublished district court memorandum order; precedential value not stated in the document.
PARTIES	James W. Riley v. Brian Emig, Warden, Attorney General of the State of Delaware

TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

post-conviction relief

appellate procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether Riley's Rule 60(b)(4) motion challenging the validity of his underlying state-court judgment constituted an unauthorized second or successive habeas petition.
2. Whether, to the extent the motion challenged the manner in which the prior federal habeas judgment was procured rather than the underlying conviction, it was timely under Rule 60(c)(1).
3. Whether the district court should issue a certificate of appealability.

HOLDINGS

1. A Rule 60(b) motion that attacks the underlying state-court conviction or asserts a new ground for federal habeas relief is treated as a second or successive habeas petition and cannot proceed in the district court without prior authorization from the appropriate court of appeals.
2. Even if construed as a proper Rule 60 motion attacking the manner in which the earlier federal habeas judgment was procured, the motion was untimely because it was not filed within a reasonable time.
3. The court declined to issue a certificate of appealability because Riley failed to satisfy the standards in 28 U.S.C. § 2253(c)(2).

KEY QUOTATIONS

“When a Rule 60(b) motion ‘seeks to add a new ground for relief’ or ‘attacks the federal court’s previous resolution of a claim on the merits,’ the motion is barred as an unauthorized second or successive habeas petition.” (at 1)

“a prisoner previously denied federal habeas relief may not use a Rule 60(b) motion to assert a federal constitutional challenge to his state conviction or sentence because such a motion is in substance a second or ‘successive habeas petition merely masquerading as a Rule 60(b) motion’” (at 2)

FACTUAL BACKGROUND

Riley was convicted and sentenced in Delaware state court following a 2003 retrial of a case originally tried in 1982. He filed a federal habeas petition in 2004, which the district court denied as meritless in 2007. In December 2025, more than eighteen years after that denial, he sought to reopen the habeas proceedings under Rule 60(b)(4), arguing that the state court lacked subject-matter jurisdiction because his conviction involved conduct outside the scope of Delaware's felony-murder statute.

PROCEDURAL HISTORY

Riley filed a 28 U.S.C. § 2254 petition in 2004 challenging his Delaware state-court judgment arising from a 2003 retrial of a case originally tried in 1982. The district court denied that petition as meritless on June 19, 2007. Riley subsequently filed Rule 60 motions in 2018 and 2023, both of which were dismissed as unauthorized successive habeas petitions, and the Third Circuit denied certificates of appealability in each matter. In December 2025, Riley filed the present motion for permission to file another Rule 60 motion; the district court granted permission to file but dismissed the underlying motion without prejudice and alternatively denied it as untimely.

DISPOSITION

dismissed

CASES CITED

- Gonzalez v. Crosby, 545 U.S. 524, 529-32 (2005)
- Taylor v. Comm’r of Pa. Dep’t of Corr., 150 F.4th 188, 193 (3d Cir. 2025)
- Bracey v. Superintendent Rockview SCI, 986 F.3d 274, 282 (3d Cir. 2021)
- Pridgen v. Shannon, 380 F.3d 721, 727 (3d Cir. 2004)
- Robinson v. Johnson, 313 F.3d 128, 139-40 (3d Cir. 2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE JAMES W. RILEY,) Petitioner, V. C.A. No. 04-1435-CFC BRIAN EMIG, Warden, and ATTORNEY GENERAL OF THE) STATE OF DELAWARE,) Respondents. 5 MEMORANDUM ORDER Pending before the Court is Petitioner James W. Riley’s Motion for Permission to File Petitioner’s Motion to Reopen Prior Habeas Proceedings (D.I.

73), which the Court grants, thereby putting before the Court Petitioner’s Motion to Reopen Prior Habeas Proceedings under Rule 60(b)(4) for Void of Subject-Matter Jurisdiction (D.I. 74). In his Motion to Reopen, Petitioner alleges that the Delaware Superior Court that convicted and sentenced him did not have subject-matter jurisdiction because his conviction was based on conduct “outside the sweep & purview of the felony murder statute of 11 Del.

C. § 636(a)(2).” (D.I. 74 at 1) Rule 60(b)(4) of the Federal Rules of Civil Procedure (“FRCP”) permits a court to relieve a party from a final judgment when the judgment is void.” FED. R. Civ. P. 60(b)(4). The substance of Petitioner’s argument, however, appears to be that the state court judgment is void because the state court lacked jurisdiction, not that this Court lacked subject-matter jurisdiction in Petitioner’s previously denied federal habeas corpus proceedings.

When a Rule 60(b) motion “seeks to add a new ground for relief’ or “attacks the federal court’s previous resolution of a claim on the merits,” the motion is barred as an unauthorized second or

successive habeas petition. See *Gonzalez v. Crosby*, 545 U.S. 524, 529-32 (2005); 28 U.S.C. § 2244(b)(3)(A); see also *Taylor v. Comm’r of Pa. Dep’t of Corr.*, 150 F.4th 188, 193 (3d Cir.

2025) (recognizing precedent that “a prisoner previously denied federal habeas relief may not use a Rule 60(b) motion to assert a federal constitutional challenge to his state conviction or sentence because such a motion is in substance a second or ‘successive habeas petition merely masquerading as a Rule 60(b) motion’”) (quoting *Bracey v. Superintendent Rockview SCI*, 986 F.3d 274, 282 (3d Cir.

2021)). In his Motion to Reopen, Petitioner raises a challenge to his underlying state court judgment and, it appearing that Petitioner has not obtained prior approval from the Court of Appeals as required | In 2004, Petitioner filed in this Court a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the validity of his state court judgment in the 2003 retrial of his case originally tried in 1982.

(D.I. 2 D.I. 27 at 2-3). On June 19, 2007, the Court denied the claims in that petition as meritless. (D.I. 27) by statute (28 U.S.C. § 2244(b)(3)(A)),” the Motion to Reopen is barred as an unauthorized second or successive habeas petition.* In conclusory statement at the end of the Motion to Reopen, Petitioner states “It]he initial jurisdictional error was committed at the first 1982 trial and by law all subsequent proceedings taking [sic] by the courts thereafter (State & Federal) are *ultra [sic] vires* and void under Rule 60(b)(4).” (D.I.

74 at 9) To the extent this can be considered an attack on “the manner in which the earlier habeas judgment was procured and not the underlying conviction,” Petitioner’s Rule 60(b) motion “may be adjudicated on the merits.” *Pridgen v. Shannon*, 380 F.3d 721, 727 (3d Cir. 2004). Nevertheless, the Motion to Reopen is barred because it was not brought within a reasonable time.

See Fed. R. Civ. P. 60(c)(1) (requiring all Rule 60(b) “Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). 3 This appears to be Petitioner’s fourth habeas petition.

In addition to the 2004 petition denied as meritless, the Court dismissed Petitioner’s 2018 Motion to Reopen Habeas Proceedings under FRCP Rules 60(b)(3) and (6) (D.I. 43) as an unauthorized second or successive habeas request. (D.I. 47; D.I. 48) In 2023, Petitioner filed a Motion to Reopen under FRCP Rules 60(b)(6) and (d)(1) and (3) (DI. 52-1), which was also dismissed as an unauthorized second or successive habeas petition and alternatively denied as untimely and without merit.

(D.I. 61; D.I. 62) In all three instances, the Third Circuit Court of Appeals denied Petitioner’s request for a Certificate of Appealability. (D.I. 39; D.I. 51; D.I. 72) motions be filed “within a reasonable time”). Petitioner filed his Motion for Permission to File Petitioner’s Motion to Reopen

Prior Habeas Proceedings in December 2025, more than 18 years after his original habeas petition was denied in 2007.

Petitioner offers no explanation for the delay. Moreover, it is nonsensical for Petitioner, who sought relief by filing a federal habeas corpus action in this Court to now claim that this Court did not have jurisdiction over his habeas proceedings, which are clearly within the scope of this Court's jurisdiction. See 28 U.S.C. §§ 2241 and 2254. It makes even less sense for Petitioner to request that the Court reopen proceedings, over which Petitioner now arguably claims the Court did not have jurisdiction to preside, as a means to seek relief.

THEREFORE, at Wilmington on this 1st of June 2026 and for the reasons set forth above, IT IS HEREBY ORDERED that: 1. Petitioner's Motion for Permission to File Petitioner's Motion to Reopen Prior Habeas Proceedings (D.I. 73) is GRANTED. 2. Petitioner's Motion to Reopen Prior Habeas Proceedings under Rule 60(b)(4) for Void of Subject-Matter Jurisdiction (D.I.

74) is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.⁴ See Robinson v. Johnson, 313 F.3d 128, 139-40 (3d Cir. 2002). The petition is dismissed without prejudice to Petitioner's right to seek authorization from the Third Circuit Court of Appeals. 3. Alternatively, to the extent Petitioner's Motion to Reopen Prior Habeas Proceedings under Rule 60(b)(4) for Void of Subject-Matter Jurisdiction (D.I.

74) can be construed to raise an issue within the scope of Rule 60, the Motion to Reopen is DENIED as untimely. 4. To the extent such a determination is required, the Court declines to issue a certificate of appealability because Petitioner has failed to satisfy the standards set forth in 28 U.S.C. § 2253(c)(2). Chief Judge