

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, WESTERN DIVISION

**Thomas Phillip Bell v. Dural C. Gross, Detective; Kiah Marshall,
Hughes County Jail; Judge John L. Brown; Clerk's Office of Pierre,
SD Teen Court, Pierre, SD; Hughes County Police; Wayde Fisher,
Fired Attorney; and Patricia Carlson, New Hired Attorney**

5:21-CV-05032-RAL · No. 5:21-CV-05032-RAL · Decided January 20, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Thomas Phillip Bell's motions to reopen his dismissed 42 U.S.C. § 1983 case. The court held that Bell had not shown grounds for relief under Federal Rules of Civil Procedure 59(e) or 60(b), and noted that the dismissal had been affirmed by the Eighth Circuit.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	January 20, 2026
DOCKET	5:21-CV-05032-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to reopen a previously dismissed and judgment-terminated civil-rights action under Federal Rules of Civil Procedure 59(e) and 60(b).
STANDARD OF REVIEW	Relief under Rule 59(e) is limited to correcting manifest errors of law or fact or presenting newly discovered evidence. Relief under Rule 60(b) requires exceptional circumstances warranting extraordinary relief.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Thomas Phillip Bell v. Dural C. Gross, Detective, Kiah Marshall, Hughes County Jail, Judge John L. Brown, Clerk's Office of Pierre,

TOPICS

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QUESTIONS PRESENTED

1. Whether Bell established grounds for relief from judgment under Federal Rule of Civil Procedure 59(e).
2. Whether Bell established exceptional circumstances warranting relief under Federal Rule of Civil Procedure 60(b).

HOLDINGS

1. Bell did not establish a manifest error of law or fact, newly discovered evidence, or another basis warranting relief under Rule 59(e); therefore, the motion to reopen was denied.
2. Bell failed to demonstrate exceptional circumstances warranting extraordinary relief under Rule 60(b); therefore, the motions to reopen were denied.

KEY QUOTATIONS

“Motions under Rule 59(e) ‘serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence’ and ‘cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.’” (Opinion text)

“Rule 60(b)’s relief is even narrower, requiring the moving party to show “‘exceptional circumstances’ warranting ‘extraordinary relief.’”” (Opinion text)

FACTUAL BACKGROUND

Bell alleged civil-rights violations arising from events in 2012 and 2015. The district court previously dismissed his complaint as barred by the statute of limitations and stated that the claims would also fail under *Heck v. Humphrey*. After the Eighth Circuit affirmed the judgment, Bell filed new materials and an amended complaint seeking to reopen the case.

PROCEDURAL HISTORY

Bell filed a pro se action under 42 U.S.C. § 1983. The district court granted leave to proceed in forma pauperis, screened the complaint under 28 U.S.C. § 1915(e), dismissed the claims as untimely and alternatively barred by *Heck v. Humphrey*, and entered judgment for defendants on June 8, 2021. The Eighth Circuit summarily affirmed, and the district court denied an earlier post-judgment motion to amend. In January 2026, Bell filed two documents docketed as motions to reopen, which the district court denied.

DISPOSITION

other

CASES CITED

- Heck v. Humphrey, 512 U.S. 477, 486-87, 489 (1994)
- Ryan v. Ryan, 889 F.3d 499, 507 (8th Cir. 2018)
- United States v. Metro. St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2003)
- United States v. Mask of Ka-Nefer-Nefer, 752 F.3d 737, 743 (8th Cir. 2014)
- United States v. Young, 806 F.2d 805, 806 (8th Cir. 1986)

OPINION

Gross

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

THOMAS PHILLIP BELL, 5:21-CV-05032-RAL

Plaintiff,

ORDER DENYING PLAINTIFF'S

vs. MOTIONS TO REOPEN CASE

DURAL C. GROSS, DETECTIVE; KIAH

MARSHALL, HUGHES COUNTY JAIL,

JUDGE JOHN L. BROWN, CLERK'S OFFICE

OF PIERRE, SD TEEN COURT, PIERRE, SD;

HUGHES COUNTY POLICE, WAYDE

FISHER, FIRED ATTORNEY; AND

PATRICIA CARLSON, NEW HIRED

ATTORNEY; Defendants. Plaintiff Thomas Phillip Bell filed this pro se lawsuit under 42 U.S.C. § 1983. Doc. 1. This Court granted Bell leave to proceed in forma pauperis and screened his complaint under 28 U.S.C. § 1915(e). Doc. 7. His complaint was dismissed “[b]ecause the violations alleged occurred in 2012 and 2015” and his claims were barred by the statute of limitations. *Id.* at 4. This Court also noted that “[e]ven if Bell’s complaint was timely filed, his complaint would not survive screening” because his claims were also barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87, 489 (1994). *Id.* at 4—5.

This Court entered judgment in favor of Defendants and against Bell on June 8, 2021. Doc. 8. Bell filed a notice of appeal and the Eighth Circuit Court of Appeals on July 19, 2021,

summarily affirmed this Court's judgment. Docs. 10, 14. Bell previously filed a post-judgment motion to amend, Doc. 9, which this Court denied, Doc. 15. Bell on January 6, 2026, filed material that the Clerk of Court docketed as a motion to reopen case, Doc. 17, and a "doctrine motion to reopens pendency," Doc. 18. This Court finds nothing in the new filings to justify reopening a case that has been dismissed with the dismissal affirmed by the Eighth Circuit. Generally, "[m]otions under Rule 59(e) 'serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence' and 'cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.'" *Ryan v. Ryan*, 889 F.3d 499, 507 (8th Cir. 2018) (quoting *United States v. Metro. St. Louis Sewer Dist.*, 440 F.3d 930, 933 (8th Cir. 2003)). Rule 60(b)'s relief is even narrower, requiring the moving party to show "'exceptional circumstances' warranting 'extraordinary relief.'" *United States v. Mask of Ka-Nefer-Nefer*, 752 F.3d 737, 743 (8th Cir. 2014) (quoting *United States v. Young*, 806 F.2d 805, 806 (8th Cir. 1986)). After review of his motion and amended complaint, Bell has not set forth facts or circumstances that would warrant relief under Rule 59(e) or Rule 60(b). Therefore, it is hereby ORDERED that Bell's motions to reopen case, Docs. 17, 18, are denied. DATED this 20th day of January, 2026. BY THE COURT:
CHIEF JUDGE