

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Devon Frye v. Jason Wilson, et al.

Civil Action No. 3:24cv641 (E.D. Va. June 3, 2026) · No. Civil Action No. 3:24cv641 · Decided June 3, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied a nonparty's motion to reopen judgment and request permission to file an amicus curiae brief. The court held that the motion was untimely and that the proposed amicus participation would not provide useful assistance in the already-dismissed civil rights action.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	M. Hannah Lauck
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	June 3, 2026
DOCKET	Civil Action No. 3:24cv641
DISPOSITION	denied
PROCEDURAL POSTURE	The court considered a nonparty's motion to reopen the judgment and obtain permission to file an amicus curiae brief after the action had already been dismissed with prejudice.
STANDARD OF REVIEW	Abuse of discretion; the district court has broad discretion in deciding whether to permit a nonparty to participate as amicus curiae.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; precedential status is unknown.

TOPICS

- civil procedure
- motion for reconsideration
- section 1983
- appellate procedure

PRACTICE AREAS

- Civil procedure
- Civil rights

QUESTIONS PRESENTED

1. Whether a nonparty should be permitted to file an amicus curiae brief after the underlying action had been dismissed with prejudice.
2. Whether Richardson's motion was timely and whether the proposed amicus submission would be useful to the court.

HOLDINGS

1. The motion was untimely because it was filed almost a year after the deadline identified by the court and several months after the action had been dismissed with prejudice.
2. Leave to file the amicus brief was properly denied because the proposed submission could not assist the court in resolving the already-adjudicated action or motion to dismiss and Richardson did not demonstrate that he would provide helpful legal analysis.

KEY QUOTATIONS

“A federal district court has “broad discretion in deciding whether to allow a non-party to participate as an amicus curiae.”” (Memorandum Opinion, amicus standard)

“A court should only grant leave to file an amicus curiae brief if the court “deems the proffered information timely and useful.”” (Memorandum Opinion, amicus standard)

“For the foregoing reasons, the Motion (ECF No. 18) will be DENIED.” (Memorandum Opinion, conclusion)

FACTUAL BACKGROUND

Frye, an individual civilly committed at the Virginia Center for Behavioral Rehabilitation, brought a § 1983 action against Jason Wilson, Nathan Moore, and Sanita Rhodes. The court dismissed the action with prejudice for failure to state a claim, and Frye did not appeal. More than a year after Frye's opposition to the motion to dismiss and several months after dismissal, VCBR resident Gregory Richardson sought to reopen the judgment and file an amicus brief, asserting that the case affected detainees and involved a public interest.

PROCEDURAL HISTORY

Devon Frye filed a pro se, in forma pauperis action under 42 U.S.C. § 1983. On February 3, 2026, the court granted Defendants' motion to dismiss and dismissed the action for failure to state a claim; Frye did not appeal. On May 11, 2026, VCBR resident Gregory Richardson moved to reopen the judgment and requested permission to file an amicus curiae brief. The court denied the motion.

DISPOSITION

denied

CASES CITED

- *Tafas v. Dudas*, 511 F. Supp. 2d 652, 659 (E.D. Va. 2007)

- Bryant v. Better Business Bureau, 923 F. Supp. 720, 727 (D. Md. 1996)
- Am. Humanist Ass'n v. Maryland-Nat'l Cap. Park & Plan. Comm'n, 303 F.R.D. 266, 269 (D. Md. 2014)
- Church of Celestial Heart v. Garland, No. 1:23-cv-00545-SAB, 2024 WL 3569219, at *2 (E.D. Cal. July 29, 2024)

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