

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Terrence Higgins v. John Gregory Houseman

Higgins · No. 23-cv-3892-RJD · Decided January 27, 2026

SUMMARY

The court denied Terrence Higgins’s motion for reconsideration of the judgment dismissing his case with prejudice. The court held that the motion was untimely under Federal Rule of Civil Procedure 59(e), did not establish grounds for relief under Rule 60(b), and could not reopen the case to enforce a settlement agreement or remove a related state-court action.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Reona J. Daly
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 27, 2026
DOCKET	23-cv-3892-RJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the clerk's judgment dismissing the case with prejudice pursuant to the parties' stipulation of dismissal. The motion was denied.
STANDARD OF REVIEW	Rule 59(e) relief is available only in exceptional circumstances involving a manifest error of law or fact or newly discovered evidence, and the motion must be filed within 28 days of the challenged judgment. Rule 60(b) relief is an extraordinary remedy available only in exceptional circumstances.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Terrence Higgins v. John Gregory Houseman

TOPICS

- motion for reconsideration
- civil procedure
- subject matter jurisdiction
- contracts
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for reconsideration was timely and warranted relief under Federal Rule of Civil Procedure 59(e).
2. Whether Plaintiff established grounds for relief from judgment under Federal Rule of Civil Procedure 60(b), including fraud or misconduct by the opposing party.
3. Whether the federal court had ancillary jurisdiction to enforce the parties' settlement agreement after dismissing the case.
4. Whether the alleged Missouri state-court action provided a basis to reopen this federal case or remove the state action to federal court.

HOLDINGS

1. Plaintiff could not obtain relief under Rule 59(e) because his motion was filed more than 28 days after entry of judgment.
2. Plaintiff failed to establish any basis for relief from judgment under Rule 60(b).
3. The court could not enforce the settlement agreement because it had neither an independent basis for federal jurisdiction nor an order incorporating the settlement or expressly retaining jurisdiction to enforce it.
4. The alleged Missouri state-court action did not justify reopening this case, and Plaintiff identified no valid basis for removal.

KEY QUOTATIONS

“Under Rule 59(e), a court can amend or alter a judgment in “exceptional cases” only if there is a manifest error of law or fact or if it presents newly discovered evidence that was not previously available.” (at 2)

“Enforcement of a settlement agreement falls beyond the scope of the ancillary jurisdiction of the federal courts, even if the district court had jurisdiction to hear the underlying case.” (at 3)

FACTUAL BACKGROUND

The parties entered into a settlement agreement and stipulated to dismissal of this action with prejudice. After dismissal, Defendant initiated a Missouri state-court breach-of-contract action against Plaintiff. Plaintiff contended that the state-court claim had been released by the settlement and sought to reopen or reexamine the federal case.

PROCEDURAL HISTORY

The Court dismissed the case with prejudice on November 13, 2024, pursuant to the parties' stipulation of dismissal, and entered judgment the same day. Plaintiff moved for reconsideration on May 23, 2025, asserting that a later Missouri breach-of-contract action implicated claims released by the parties' settlement agreement. The court denied reconsideration and left the dismissal with prejudice in place.

DISPOSITION

dismissed

CASES CITED

- Willis v. Dart, 671 Fed. App'x 376, 377 (7th Cir. 2016)
- Gonzalez–Koeneké v. W., 791 F.3d 801, 807 (7th Cir. 2015)
- Heyde v. Pittenger, 633 F.3d 512, 521 (7th Cir. 2011)
- Bryant v. Wills, No. 24-CV-02479-SMY, 2025 WL 3554300, at *2 (S.D. Ill. Dec. 11, 2025)
- Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc., 570 F.3d 845, 848 (7th Cir. 2009), cert. denied, 558 U.S. 1147 (2010)
- Browne v. Ciobanu, No. 25-1441, 2025 WL 3496211, at *2 (7th Cir. Dec. 5, 2025)
- Citizens for Appropriate Rural Roads v. Foxx, 815 F.3d 1068, 1080 (7th Cir. 2016)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 382 (1994)
- Lynch, Inc. v. Samatamason, Inc., 279 F.3d 487, 489 (7th Cir. 2002)

OPINION

FOR THE SOUTHERN DISTRICT OF ILLINOIS TERRENCE HIGGINS,)) Plaintiff,)) Case No. 23-cv-3892-RJD vs.)) JOHN GREGORY HOUSEMAN,)) Defendant.) MEMORANDUM AND ORDER DALY, Magistrate Judge:1 This matter comes before the Court on Plaintiff's Motion for Reconsideration of Clerk's Judgment (Doc. 28).

For the reasons explained below, the motion is DENIED, and this case remains dismissed with prejudice. Background On November 13, 2024, the Court entered an order dismissing this case with prejudice pursuant to the parties' Stipulation of Dismissal. (Docs. 25 & 26). Judgment was entered that same day. (Doc. 27).

On May 23, 2025, Plaintiff Terrence Higgins moved for reconsideration of the judgment dismissing this case with prejudice. (Doc. 28). Plaintiff argues this case should be "reexamined" because Defendant initiated a civil action in the Missouri state courts against Plaintiff for breach of contract. Plaintiff appears to argue that the claim against him in the state proceeding was released pursuant to the settlement agreement that the parties reached in this case.

1 This case has been assigned to the undersigned for final disposition upon the parties' full consent pursuant to 28 U.S.C. § 636(c). (Doc. 20) Page 1 of 4 former attorney, who hasn't entered his appearance in this case, of misconduct. Defendant did not respond to the motion. Discussion Plaintiff does not identify the legal basis under which he seeks to vacate the dismissal and judgment in this case.

Under Rule 59(e), a court can amend or alter a judgment in “exceptional cases” only if there is a manifest error of law or fact or if it presents newly discovered evidence that was not previously available. *Willis v. Dart*, 671 Fed. App'x 376, 377 (7th Cir. 2016) (quoting *Gonzalez–Koenke v. W.*, 791 F.3d 801, 807 (7th Cir. 2015); *Heyde v. Pittenger*, 633 F.3d 512, 521 (7th Cir.

2011)). A challenge under Rule 59(e) motion must be filed within 28 days of the order being challenged. Federal Rule of Civil Procedure 60(b), on the other hand, allows for relief from judgment for “mistake, inadvertence, surprise, or excusable neglect by the movant; fraud or misconduct by the opposing party; a void or discharged judgment; or newly discovered evidence that could not have been discovered within the 28-day deadline for filing a Rule 59(e) motion.” *Bryant v. Wills*, No. 24-CV-02479-SMY, 2025 WL 3554300, at *2 (S.D.

Ill. Dec. 11, 2025) (citing *Willis*, 671 Fed. App'x at 377). Relief under Rule 60(b) is an “extraordinary remedy” that should be granted only in “exceptional circumstances.” *Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc.*, 570 F.3d 845, 848 (7th Cir. 2009), cert. denied, 558 U.S. 1147 (2010).

Here, Plaintiff cannot seek relief under Rule 59(e) because his motion for reconsideration was filed more than 28 days after the entry of judgment. (Docs. 27 & 28). The Court also finds that Plaintiff has not set forth any facts that would justify relief under Rule 60(b). At most, Plaintiff attempts to articulate some fraud or misrepresentation by Defendant regarding the terms of the Page 2 of 4 Rule 60(b).

To prevail on such ground, Plaintiff “needed, credibly, to identify misconduct, such as forgery, perjury, bribery of a judge, or other undue influence on him.” *Browne v. Ciobanu*, No. 25-1441, 2025 WL 3496211, at *2 (7th Cir. Dec. 5, 2025); see also *Citizens for Appropriate Rural Roads v. Foxx*, 815 F.3d 1068, 1080 (7th Cir. 2016) (“Fraud on the court occurs only in the most extraordinary and egregious circumstances and relates to conduct that might be thought to corrupt the judicial process itself, such as where a party bribes a judge or inserts bogus documents into the record.”).

Plaintiff has not made such a showing in this case. To the extent Plaintiff argues that this case should be reopened to allow enforcement of the settlement agreement, this argument also fails. Enforcement of a settlement agreement falls beyond the scope of the ancillary jurisdiction of the federal courts, even if the district court had jurisdiction to hear the underlying case.

See *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 382 (1994). Enforcement of the settlement agreement is for state courts unless there is some independent basis for federal jurisdiction. *Id.* A district court may retain jurisdiction to enforce a settlement if the settlement agreement is incorporated into a consent decree or another judicial order.

See *Lynch, Inc. v. Samatamason, Inc.*, 279 F.3d 487, 489 (7th Cir. 2002). Here, however, Plaintiff has not raised an independent basis of the Court's federal jurisdiction, and the Court did not issue a consent decree or another order incorporating the terms of the parties' settlement agreement or expressly retaining jurisdiction over its enforcement. Likewise, Plaintiff's suggestion that the state action against him should be removed to and adjudicated in this district court lacks merit.

Plaintiff has not set forth any grounds under which removal would be proper. In any case, the removal of the state action to federal courts would not result in the opening of a separate case and would not justify reopening of this one. Page 3 of 4 "reexamine" this case, Plaintiff's Motion for Reconsideration of Clerk's Judgment (Doc. 28) is DENIED, and this case remains dismissed with prejudice.

Conclusion For the reasons set forth above, Plaintiff's Motion for Reconsideration of Clerk's Judgment (Doc. 28) is DENIED, and this case remains dismissed with prejudice. IT IS SO ORDERED. DATED: January 27, 2026 s/ Reona J. Daly Hon. Reona J. Daly United States Magistrate Judge Page 4 of 4