

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, VALDOSTA DIVISION

Humanitarian v. Peter D. Leary, et al.

Humanitarian · No. 7:24-CV-32 (LAG) · Decided January 16, 2026

SUMMARY

The United States District Court for the Middle District of Georgia denied Plaintiff Humanitarian’s motion under Federal Rule of Civil Procedure 60(d)(3) seeking to vacate judgments for alleged fraud on the court. The court held that Plaintiff offered only conclusory allegations and identified no conduct constituting fraud on the court, particularly because the allegations were unrelated to the underlying dismissal for failure to pay the filing fee.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Valdosta Division
WRITING FOR THE COURT	Leslie A. Gardner
JURISDICTION	United States District Court for the Middle District of Georgia, Valdosta Division
DECIDED	January 16, 2026
DOCKET	7:24-CV-32 (LAG)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(d)(3) to vacate judgments for fraud on the court, void text-only docket documents, amend the complaint, and obtain permanent injunctions against multiple judges. The district court denied the motion.
STANDARD OF REVIEW	Relief under Rule 60(d)(3) requires clear and convincing evidence of fraud on the court; conclusory allegations unsupported by clear and convincing probative facts are insufficient.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- remedies
- motion for reconsideration
- injunctions
- motion to amend
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established fraud on the court warranting relief from the judgment under Federal Rule of Civil Procedure 60(d)(3).
2. Whether Plaintiff was entitled to void text-only docket documents, amend the complaint, or obtain permanent injunctions against judicial officers in connection with the dismissed action.

HOLDINGS

1. Plaintiff was not entitled to relief under Rule 60(d)(3) because the motion identified no conduct constituting fraud on the court and relied on conclusory allegations unrelated to the court's underlying determination that Plaintiff failed to pay the filing fee.
2. Plaintiff was not entitled to have the docket documents voided, amend the complaint, or obtain the requested permanent injunctions.

KEY QUOTATIONS

“only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court.”

“An action for fraud upon the court should be available only to ‘prevent a grave miscarriage of justice.’”

FACTUAL BACKGROUND

The action was dismissed without prejudice because Plaintiff failed to pay the required filing fee within thirty days of the court's order. Plaintiff alleged that the presiding judge had violated the Constitution, judicial ethics rules, her oath of office, and Plaintiff's due-process and access-to-court rights, and had intentionally dismissed the action for improper reasons. Plaintiff sought to vacate judgments, void text-only docket documents, amend the complaint, and obtain permanent injunctions against several judges.

PROCEDURAL HISTORY

The court had dismissed this action without prejudice after Plaintiff failed to pay the filing fee within thirty days of the court's order, and judgment was entered on December 23, 2024. Plaintiff later filed an emergency motion challenging judgments in this and two related cases, alleging judicial misconduct and constitutional violations. The court denied the motion because Plaintiff identified no conduct constituting fraud on the court and relied on conclusory allegations unrelated to the filing-fee basis for dismissal.

DISPOSITION

other

CASES CITED

- Galatolo v. United States, 394 F. App'x 670, 672 (11th Cir. 2010)

- *Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1551 (11th Cir. 1985)
- *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978)
- *United States v. Beggerly*, 524 U.S. 38, 47 (1998)
- *Booker v. Dugger*, 825 F.2d 281, 284-85 (11th Cir. 1987)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION HUMANITARIAN,: Plaintiff,: v.: CASE NO.: 7:24-CV-32 (LAG)
PETER D. LEARY, et al.,: Defendants.: ORDER Before the Court is Plaintiff Humanitarian's
Emergency Notice of Motion to Vacate Judgment for Fraud on the Court; Motion to Void
Judgments, Motion to Amend Complaint, and Emergency Motion Seeking Prohibitory Injunctions
(Motion).

(Doc. 27). Therein, Plaintiff moves the Court to vacate the judgments in Cases No. 7:24-CV-32, 7:24-CV-38, and 7:24-CV-48 pursuant to Federal Rule of Civil Procedure 60(d)(3).1 (Id. at 2). Defendants did not respond to Plaintiff's Motion. (See Docket). Judgment in the above captioned case was entered on December 23, 2024. (Doc. 23). Rule 60(d)(3) permits a litigant to obtain relief from a final judgment if he can show "fraud on the court." Fed.

R. Civ. P. 60(d)(3). A movant seeking relief under Rule 60(d)(3) "must establish by clear and convincing evidence, among other things, 'fraud, accident, or mistake which prevented the defendant in the judgment from obtaining the benefit of his defense.'" *Galatolo v. United States*, 394 F. App'x 670, 672 (11th Cir. 2010) (quoting *Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1551 (11th Cir.

1985)). "[O]nly the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the 1 Plaintiff filed identical Motions all three cases. See *Humanitarian v. Treadwell et al.*, No. 7:24- CV-38 (LAG), (Doc. 24) (M.D. Ga. Oct. 7, 2025); *Humanitarian v. Baun et al.*, No. 7:24- CV-48 (LAG), (Doc.

12) (M.D. Ga. Oct. 7, 2025). court." Id. (alteration in original) (quoting *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978)). "An action for fraud upon the court should be available only to 'prevent a grave miscarriage of justice.'" Id. (quoting *United States v. Beggerly*, 524 U.S. 38, 47 (1998)). "[C]onclusory averments of the existence of fraud made on information and belief and unaccompanied by a statement of clear and convincing probative facts which support such belief do not serve to raise the issue of the existence of fraud." *Booker v. Dugger*, 825 F.2d 281, 284-85 (11th Cir.

1987). As to Case Nos. 7:24-CV-32, 7:24-CV-38, and 7:24-CV-48, Plaintiff contends that Judge Gardner (1) "warred against the United States Constitution," (2) "breached several canons under

the Code of Conduct for the United States Judges,” (3) “violated her oath of office,” (4) “committed malfeasance in office,” (5) “violated Plaintiff’s due process of law,” (6) “violated Plaintiff’s access [to] the court,” and (7) “violated Plaintiff’s right to petition the government for a redress of grievances by intentionally presiding over her own Insurrection case.” (Doc.

27 at 2). Plaintiff further asserts that “Judge Gardner intentionally dismissed [Case Nos. 7:24-CV-32 and 7:24-CV-38] to avoid being impeached by Congress, to obstruct [P]laintiff’s court judgment, to avoid media publication of the case, and to avoid state law claims that were filed against her.” (Id.).

Finally, Plaintiff contends that even though Judge Gardner “is not listed as a defendant” in Case No. 7:24-CV-48, she “intentionally dismissed [the] case to obstruct [P]laintiff’s court judgment, to avoid media publication of [the] case, and to avoid the public having an interest in a trial of [the] case.” (Id. at 3). Plaintiff requests (1) that all “text only documents” in the named cases be voided, as he contends that they are “not legal[ly] binding orders[,]” (2) an opportunity to amend his Complaint, and (3) a permanent injunction against “Chief Judge Leslie Gardner, Judge Willie Sands, Judge Mark Treadwell, Judge Thomas Langstaff, Judge Clay Land, Judge Charles Ashley Royal, Judge M. Stephen Hyles, and Judge Charles Weigle.” (Id.).

Plaintiff has not identified any conduct that would constitute “fraud on the court.” Moreover, Plaintiff’s conclusory averments are unrelated to the Court’s underlying determination that Plaintiff failed to pay the filing fee within thirty days of the Court’s Order.² (Doc. 22; see Doc. 17).

Accordingly, Plaintiff’s Motion (Doc. 27) is DENIED. SO ORDERED, this 16th day of January, 2026. /s/ Leslie A. Gardner LESLIE A. GARDNER, CHIEF JUDGE UNITED STATES DISTRICT COURT 2 The Court dismissed all three cases without prejudice for failure to pay the filing fee. See Humanitarian v. Treadwell et al., No. 7:24-CV-38 (LAG), (Doc. 19) (M.D. Ga. Mar. 25, 2025); Humanitarian v. Baun et al., No. 7:24-CV-48 (LAG), (Doc.

7) (M.D. Ga. Mar. 27, 2025).