

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

RoadsideImports LLC, and Johan Lumsden v. United States

No. 25-cv-00058-NYW-SBP, United States District Court for the District of Colorado (April 21, 2026)

SUMMARY

The United States District Court for the District of Colorado denied Plaintiffs’ motion for partial reconsideration of an earlier order dismissing their claims and denying jurisdictional discovery. The Court held that discovery aimed at developing potential, unpleaded Takings Clause claims was unrelated to jurisdiction over the dismissed claims and would constitute an impermissible fishing expedition. The order also references the Federal Tort Claims Act’s detention-of-goods exception and sovereign immunity.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Nina Y. Wang
JURISDICTION	United States District Court for the District of Colorado
DECIDED	April 21, 2026
DOCKET	25-cv-00058-NYW-SBP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for partial reconsideration under Federal Rule of Civil Procedure 59(e) of the court's prior denial of jurisdictional discovery. The court denied the motion by minute order.
STANDARD OF REVIEW	A motion for reconsideration under Rule 59(e) is committed to the district court's discretion and may be granted to prevent manifest injustice. The court applied its discretion to the request for jurisdictional discovery.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court minute order
PARTIES	RoadsideImports LLC, Johan Lumsden v. United States

TOPICS

- motion for reconsideration
- subject matter jurisdiction
- discovery dispute
- civil procedure
- takings clause

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether reconsideration under Federal Rule of Civil Procedure 59(e) was warranted to permit jurisdictional discovery concerning potential claims that Plaintiffs had not pleaded.
2. Whether jurisdictional discovery may be used to search for facts supporting new claims after the pleaded claims have been dismissed and the jurisdictional issues concerning those claims have been resolved.

HOLDINGS

1. Reconsideration was not warranted because Plaintiffs did not identify a mistake in the court's prior jurisdictional-discovery ruling and instead sought discovery to develop a different, unpleaded claim.
2. Jurisdictional discovery is not a vehicle for searching for jurisdictional facts supporting claims that have not been pleaded, particularly after the court has resolved jurisdiction over the pleaded claims.

KEY QUOTATIONS

“Jurisdictional discovery is not designed as a tool to ‘allow plaintiffs to fish for additional grounds of jurisdiction that they have not alleged.’” (at 2)

“But that is exactly what Plaintiffs seek to do—revive a dismissed lawsuit to conduct jurisdictional discovery on potential claims, even though they have no pending claims.” (at 2)

FACTUAL BACKGROUND

Plaintiffs' remaining claims had been dismissed on sovereign-immunity grounds because the relevant governmental conduct fell within the Federal Tort Claims Act's detention-of-goods exception. Plaintiffs had also sought jurisdictional discovery concerning potential Bivens and Takings Clause claims that they had not pleaded. They sought reconsideration so they could conduct discovery to determine whether the circumstances might support a future Takings Clause claim.

PROCEDURAL HISTORY

The court previously construed Plaintiffs' confession of certain claims as a voluntary dismissal and dismissed the remaining claims on sovereign-immunity grounds under the Federal Tort Claims Act's detention-of-goods exception. The court also denied jurisdictional discovery because Plaintiffs sought information concerning potential Bivens and Takings Clause claims that had not been pleaded. Plaintiffs moved for partial reconsideration, arguing that discovery might allow them to assert a Takings Clause claim, and the court denied the motion.

DISPOSITION

other

CASES CITED

- Breakthrough Mgmt. Grp., Inc. v. Chukchansi Gold Casino & Resort, 629 F.3d 1173, 1189-1190 (10th Cir. 2011)
- Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000)
- Hatfield v. Bd. of Cnty. Comm'rs, 52 F.3d 858, 861 (10th Cir. 1995)
- Phelps v. Hamilton, 122 F.3d 1309, 1324 (10th Cir. 1997)
- Doe 1 v. Gov't of U.S. Virgin Islands, 771 F. Supp. 3d 379, 398 (S.D.N.Y. 2025)
- Universal Trading & Inv. Co. v. Credit Suisse (Guernsey) Ltd., 560 F. App'x 52, 56 (2d Cir. 2014)
- Boschetto v. Hansing, 539 F.3d 1011, 1020 (9th Cir. 2008)
- Cuomo v. Clearing House Ass'n, L.L.C., 557 U.S. 519, 531 (2009)
- United States v. Davis, 622 F. App'x 758, 759 (10th Cir. 2015)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Civil Action No. 25-cv-00058-NYW-SBP ROADSIDEIMPORTS LLC, and JOHAN LUMSDEN, Plaintiffs, v. UNITED STATES, Defendant. MINUTE ORDER Entered by Judge Nina Y. Wang This matter is before the Court on Plaintiffs' Motion for Partial Reconsideration (or "Motion"). [Doc. 34].

The Court addresses the Motion without waiting for a response. See D.C.COLO.LCivR 7.1(d) ("Nothing in this rule precludes a judicial officer from ruling on a motion at any time after it is filed."). The Court recently construed Plaintiffs' "confession" of certain claims as a voluntary dismissal and dismissed the remaining claims on sovereign immunity grounds.

See [Doc. 32 at 7–14]. The Court concluded that sovereign immunity applied because the relevant governmental conduct fell within the Federal Tort Claims Act's ("FTCA") "detention of goods" exception, 28 U.S.C. § 2680(c). [Doc. 32 at 9–11].

The Court also denied Plaintiffs' request for jurisdictional discovery. [Id. at 14–15]. Relevant here, Plaintiffs sought discovery to explore potential Bivens claims that had not been pleaded. [Doc. 16 at 9–10]. In rejecting that request, the Court explained that allowing Plaintiffs jurisdictional discovery to explore potential future claims would amount to a "fishing expedition" with little bearing on whether the Court had jurisdiction over the pleaded claims.

[Doc. 32 at 15 (quoting Breakthrough Mgmt. Grp., Inc. v. Chukchansi Gold Casino & Resort, 629 F.3d 1173, 1189 (10th Cir. 2010))]. Plaintiffs now attempt a variation on this theme. They ask the Court to reconsider its ruling on jurisdictional discovery, not because the Court misapprehended the facts or the law regarding jurisdictional discovery on their pleaded claims, but because they believe discovery might yield information they could use to assert a different new claim.

[Doc. 34]. Plaintiffs contend that "the circumstances of this case" could support a claim under the Takings Clause of the Fifth Amendment. [Id. at ¶ 4]. Discovery on this hypothetical claim, they

argue, is necessary under Rule 59(e) to avert a “manifest injustice.” [Id. at 2 ¶ 3]; see also Fed. R. Civ. P. 59(e); *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir.

2000). The Federal Rules of Civil Procedure do not expressly contemplate motions for reconsideration. See *Hatfield v. Bd. of Cnty. Comm’rs*, 52 F.3d 858, 861 (10th Cir. 1995). But courts may grant reconsideration to “prevent manifest injustice.” *Servants of the Paraclete*, 204 F.3d at 1012. Whether to grant reconsideration under Rule 59(e) is within the district court’s discretion.

Phelps v. Hamilton, 122 F.3d 1309, 1324 (10th Cir. 1997). The Court is respectfully unpersuaded that reconsideration is warranted. Courts permit jurisdictional discovery where the “pertinent facts bearing on the question of jurisdiction are controverted.” *Breakthrough Mgmt.*, 629 F.3d at 1189 (quotation omitted). But the question of jurisdiction over the claims in this case has been resolved, and Plaintiffs do not ask the Court to consider its ruling on that issue.

Plaintiffs’ argument that jurisdictional discovery might enable them to bring other claims at some other time is thus inapposite to whether the Court has jurisdiction over this case. “Jurisdictional discovery is not designed as a tool to ‘allow plaintiffs to fish for additional grounds of jurisdiction that they have not alleged.’” *Doe 1 v. Gov’t of U.S. Virgin Islands*, 771 F. Supp. 3d 379, 398 (S.D.N.Y.

2025) (cleaned up) (quoting *Universal Trading & Inv. Co. v. Credit Suisse (Guernsey) Ltd.*, 560 F. App’x 52, 56 (2d Cir. 2014)); see also *Breakthrough Mgmt.*, 629 F.3d at 1190 (noting that district court may reject request for jurisdictional discovery that is “based on little more than a hunch that [discovery] might yield jurisdictionally relevant facts” (quoting *Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir.

2008))). Put differently, plaintiffs cannot conduct a fishing expedition for jurisdictional facts first and then assert their claims later. Cf. *Cuomo v. Clearing House Ass’n, L.L.C.*, 557 U.S. 519, 531 (2009) (observing that judges are trusted to prevent “fishing expeditions” or an undirected rummaging through materials for evidence of some unknown wrongdoing).

But that is exactly what Plaintiffs seek to do—revive a dismissed lawsuit to conduct jurisdictional discovery on potential claims, even though they have no pending claims. In its discretion, the Court declines to reconsider its ruling denying jurisdictional discovery on claims that Plaintiffs have not pleaded.¹ For these reasons, IT IS ORDERED that: (1) The Motion for Partial Reconsideration [Doc.

34] is DENIED. DATED: April 21, 2026¹ Nor is it clear to the Court that the discovery Plaintiffs seek is “pertinent” to the “question of jurisdiction.” *Breakthrough Mgmt.*, 629 F.3d at 1189 (quotation omitted). Plaintiffs argue that a “detention [under 28 U.S.C. § 1680(c)] can evolve into

a violation of the Takings Clause of the Fifth Amendment,” and seek discovery to determine whether such evolution occurred.

[Doc. 34 at ¶ 2]. But they provide no explanation or authority to support this bald statement, and the Court need not make arguments on their behalf. See, e.g., *United States v. Davis*, 622 F. App’x 758, 759 (10th Cir. 2015) (“[I]t is not this [C]ourt’s duty, after all, to make arguments for a litigant that he has not made for himself.”).