

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Barnes v. Spirit AeroSystems, Inc.

Barnes · No. 12-CV-1032-EFM-BGS · Decided June 3, 2026

SUMMARY

The United States District Court for the District of Kansas denies Arthur D. Barnes’s third motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(4). The court concludes that the motion repeats arguments previously rejected, seeks to relitigate the merits of the summary judgment ruling, and does not establish a jurisdictional defect or due process violation rendering the judgment void.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Eric F. Melgren
JURISDICTION	United States District Court for the District of Kansas
DECIDED	June 3, 2026
DOCKET	12-CV-1032-EFM-BGS
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(4) for relief from the judgment in a long-concluded case. The court considered the motion as Plaintiff's third motion seeking to alter or amend the judgment.
STANDARD OF REVIEW	Rule 60(b)(4) relief is an extraordinary remedy available only when the rendering court was powerless to enter the judgment or when a jurisdictional error or due-process violation deprived a party of notice or an opportunity to be heard.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court memorandum and order
PARTIES	Arthur D. Barnes v. Spirit AeroSystems, Inc.

TOPICS

- motion for reconsideration
- summary judgment
- due process
- civil procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the judgment was void under Federal Rule of Civil Procedure 60(b)(4) because the district court allegedly excluded key evidence and denied Plaintiff an opportunity to present evidence.
2. Whether Plaintiff's successive Rule 60(b)(4) motion could be used to relitigate alleged errors in the original summary-judgment ruling.

HOLDINGS

1. Rule 60(b)(4) relief was unavailable because Plaintiff did not show that the district court lacked power to enter the judgment or that a jurisdictional or due-process error deprived him of notice or an opportunity to be heard.
2. A successive Rule 60(b) motion is an inappropriate vehicle for rearguing an issue previously addressed when it merely advances new arguments or supporting facts that were available when the original motion was filed.

KEY QUOTATIONS

“Relief from final judgment under Rule 60(b) is an “extraordinary remedial procedure.””

“For a judgment to be void under Rule 60(b)(4), it must be determined that the rendering court was powerless to enter it.”

“Relief under Rule 60(b)(4) is granted “in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard.””

“A ‘successive Rule 60(b) motion’ is an ‘inappropriate vehicle[] to reargue an issue previously addressed by the court when the motion merely advances new arguments, or supporting facts which were available at the time of the original motion.’”

FACTUAL BACKGROUND

The district court had previously entered summary judgment for Spirit AeroSystems, and the Tenth Circuit affirmed. Barnes filed a third Rule 60(b)(4) motion, again arguing that the court improperly excluded key evidence and denied him a constitutional right to present evidence. The court found that the motion relied on facts available during the original summary-judgment proceedings and offered no new information showing a due-process deprivation or lack of judicial power.

PROCEDURAL HISTORY

The district court previously granted summary judgment for Defendant, and the Tenth Circuit affirmed in 2013. After the district court denied an earlier Rule 60(b)(4) motion in October 2025, Plaintiff filed another motion asserting the same arguments and seeking the same relief. The district court denied the renewed motion.

DISPOSITION

writ_denied

CASES CITED

- Barnes v. Spirit AeroSystems, Inc., 533 F. App'x 851 (10th Cir. 2013)
- Choice Hospice, Inc. v. Axxess Tech. Sols., Inc., 125 F.4th 1000, 1011, 1014 (10th Cir. 2025)
- V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 223 n.7, 224 (10th Cir. 1979)
- United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 271 (2010)
- Servants of Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS ARTHUR D. BARNES, Plaintiff, vs. Case No. 12-CV-1032-EFM-BGS SPIRIT AEROSYSTEMS, INC., Defendant. MEMORANDUM AND ORDER This matter comes before the Court on Plaintiff Arthur D. Barnes' Motion under Rule 60(b)(4) (Doc. 89). This is Plaintiff's third Motion seeking to alter or amend the Court's judgment in this long-concluded case.¹ The Court most recently issued an Order denying Plaintiff's motion for relief under Rule 60(b)(4) in October 2025.

In that Order, the Court discouraged Plaintiff from filing similar Rule 60(b) motions in the future. Plaintiff, however, ignored the Court's advice and instead filed the instant Motion, asserting the same arguments and seeking the same relief as set forth in his previous motion. Again, Plaintiff fails to establish any valid basis for Rule 60(b)(4) relief. ¹ The Court granted summary judgment in Defendant's favor, and the Tenth Circuit affirmed the Court's ruling, in 2013.

See Barnes v. Spirit AeroSystems, Inc., 533 Fed. App'x 851, 2013 WL 5495883 (10th Cir. Oct. 4, 2013). Relief from final judgment under Rule 60(b) is an "extraordinary remedial procedure."² "For a judgment to be void under Rule 60(b)(4), it must be determined that the rendering court was powerless to enter it."³ Relief under Rule 60(b)(4) is granted "in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard."⁴ Plaintiff's current Motion does not offer any new information or evidence that differs from his previous motion.

He again argues that the Court "improperly excluded... key evidence" and denied him his "constitutional right to present... evidence." Plaintiff then argues that the Court erred in granting summary judgment to Defendant because it did not consider this "key evidence" in its decision. Plaintiff's arguments are simply an attempt to relitigate the merits of his claims. "A 'successive Rule 60(b) motion' is an 'inappropriate vehicle[] to reargue an issue previously addressed by the court when the motion merely advances new arguments, or supporting facts which were available

at the time of the original motion.”⁵ Plaintiff relies solely on facts that were available at the time of the original summary judgment motion.

He does not provide any new 2 *Choice Hospice, Inc. v. Axxess Tech. Sols., Inc.*, 125 F.4th 1000, 1011 (10th Cir. 2025) (quoting *V.T.A., Inc. v. Airco, Inc.*, 597 F.2d 220, 223 n.7 (10th Cir. 1979)). 3 *Id.* at 1014 (quoting *V.T.A.*, 597 F.2d at 224). 4 *Id.* (quoting *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010)). 5 *Choice Hospice*, 125 F.4th at 1011 (quoting *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir.

2000)). information showing that he was denied due process or that the Court was powerless to grant summary judgment in this matter. Therefore, the Court denies Plaintiffs Rule 60(b)(4) Motion.^o IT IS THEREFORE ORDERED that Plaintiff’s Motion under Rule 60(b)(4) (Doc. 89) is DENIED. IT ISSO ORDERED. Dated this 3rd day of June, 2026. ERIC F. MELGREN UNITED STATES DISTRICT JUDGE 6 The Court understands that Plaintiff is unhappy with the outcome of his case.

However, repeatedly filing the same Rule 60(b) motion will not produce a different result, and it is unduly burdensome for the Court. Therefore, the Court once again strongly discourages Plaintiff from filing a similar Rule 60(b) motion in the future. 3-