

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2771

DAVID D. RICHARDSON,
Appellant

v.

UNITED STATES OF AMERICA, HILLERY BOLLMAN

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:23-cv-02015)
District Judge: Honorable Joel H. Slomsky

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 15, 2026
Before: BIBAS, CHUNG, and BOVE, *Circuit Judges*

(Opinion filed: May 19, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

David D. Richardson, proceeding pro se, appeals from an order denying his motion to void a previous judgment pursuant to Federal Rule of Civil Procedure 60(b)(4). We will affirm.

Richardson proceeded with a fourth amended complaint under the Federal Tort Claims Act against the United States related to his stay at the United States Veteran's Affairs Medical Center in Philadelphia. The United States filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6). The District Court granted that motion, holding that Richardson failed to state a claim, that there was insufficient process on the United States, and that any further amendment would be futile. Richardson timely appealed. This Court summarily affirmed. *See Richardson v. United States*, C.A. No. 24-2808, 2025 WL 1275771 (3d Cir. May 2, 2005) (not precedential).

Thereafter, Richardson filed several motions in the District Court, one of which is the subject of this appeal. On July 14, 2025, Richardson filed a Rule 60(b)(4) motion arguing that because the United States was not properly served, the District Court lacked personal jurisdiction over the United States, so its dismissal of his fourth amended complaint was void.¹

The District Court denied the motion concluding that it had broad discretion to dismiss the fourth amended complaint in part for failure to effect service on the United

¹ Richardson filed a separate Rule 60(b)(4) motion in the District Court that is not the subject of this appeal.

States. It further noted that it had also dismissed the fourth amended complaint on the merits. This appeal followed.

We have jurisdiction under 28 U.S.C. § 1291. Our review of the denial of a Rule 60(b)(4) motion is plenary. *See Page v. Schweiker*, 786 F.2d 150, 152 (3d Cir. 1986).

We agree with the District Court that Richardson’s Rule 60(b)(4) motion was meritless. “[A] motion under Rule 60(b)(4) is not a substitute for a timely appeal.” *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010). But that is precisely what Richardson sought to do. He disclaimed any challenge sounding in due process and failed to demonstrate that this is an “exceptional case” warranting Rule 60(b)(4) relief. *Id.*

Accordingly, we will affirm.