

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1972

SHERRY L. SCALERCIO-ISENBERG,
Appellant

v.

TRANSUNION LLC, A Delaware Limited Liability Company

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:20-cv-11222)
District Judge: Honorable Susan D. Wigenton

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 7, 2026
Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed: October 13, 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.

Pro se appellant Sherry Scalercio-Isenberg appeals from the District Court’s order denying her motion for recusal and motion for an urgent recusal and to vacate. We affirm.

I.

Scalercio-Isenberg filed suit against TransUnion, LLC (“TransUnion”) alleging that it improperly reported issues with her mortgage payments, in violation of state and federal law. In July 2022, the District Court granted TransUnion’s motion for summary judgment. Scalercio-Isenberg did not appeal. Instead, more than three years later, in September 2025, she filed two concurrent motions to vacate. The District Court denied these motions in December 2025. Again, rather than appeal, in January 2026 she filed a motion to vacate the District Court’s denial. When that was denied several days later, she filed a motion for recusal under 28 U.S.C. § 455 and then a motion for an urgent recusal via 28 U.S.C. § 455 and to vacate under Federal Rule of Civil Procedure 60(b), all in January 2026. Once the District Court denied these last two motions in April 2026, Scalercio-Isenberg filed her notice of appeal.

On appeal, Scalercio-Isenberg alleges that the District Court perpetrated fraud by “ignoring and concealing” key facts, closing the case with “several Corrupt nefarious Orders” when genuine issues of material fact remained, and denying her motions to vacate and for reconsideration. C.A. No. 9 at 2–3, 5. Scalercio-Isenberg alleges that the District Court was biased against her, citing rulings against her and asserting that the bias was rooted in racial discrimination.

II.

We have jurisdiction under 28 U.S.C. § 1291. The bulk of Scalercio-Isenberg's briefs on appeal are devoted to issues concerning the underlying judgment, which is outside the scope of our review. F.R. Civ. P. 4(a)(4)(A); *Turner v. Evers*, 726 F.2d 112, 114 (3d Cir. 1984). We review a District Court's denial of motions to vacate and recuse for abuse of discretion. *Budget Blinds, Inc. v. White*, 536 F.3d 244, 251 (3d Cir. 2008); *Jones v. Pittsburgh Nat. Corp.*, 899 F.2d 1350, 1356 (3d Cir. 1990).

III.

The bulk of Scalercio-Isenberg's argument in her Rule 60(b) motions, like her appeal, concerns the underlying judgment granting TransUnion's motion for summary judgment. These are arguments that could have been raised on appeal. But she did not appeal, and 60(b) may not be used as a substitute for appeal. *Morris v. Horn*, 187 F.3d 333, 341 (3d Cir. 1999).

Scalercio-Isenberg invokes Rule 60(b)(3), (4) and (6), but, as the District Court explained, her motions to vacate were all untimely: all motions under Rule 60(b) must be filed within a reasonable time, and, in the case of to 60(b)(3), no later than a year after judgment was entered. *See* Rule 60(c)(1). Nothing in the record suggests that waiting three years before filing her first 60(b) motion was reasonable. Even if it were, Scalercio-Isenberg's arguments for fraud and recusal seem based on nothing more than disagreement with the District Court's various rulings, which is not enough. *See id.* (explaining that Rule 60(b)(6) relief is available "only in cases evidencing extraordinary circumstances"); *Liteky v. United States*, 510 U.S. 540, 555 (1994) (legal rulings, even if erroneous, "alone almost never constitute a valid basis for a bias or partiality recusal

motion”); *Herring v. United States*, 424 F.3d 384, 386–87 (3d Cir. 2005) (a determination of fraud on the court must be supported by “clear, unequivocal, and convincing evidence”). And the District Court did not abuse its discretion in denying the recusal motion.¹

IV.

For these reasons, we will affirm the judgment of the District Court.

¹ To the extent her motion could be considered under 28 U.S.C. § 144, it was untimely, did not include an affidavit, and also lacked an explanation of extrajudicial bias, as the District Court’s thoughtful opinion points out.