

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2133

DELLISA RICHARDSON,
Appellant

v.

CASCADE SKATING RINK; LIVE LIFE HEADPHONES LLC

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 1:19-cv-08935)
District Judge: Honorable Edward S. Kiel

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 1, 2026
Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed October 8, 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.

Dellisa Richardson appeals the District Court's order denying her motion filed pursuant to Fed. R. Civ. P. 60(b). Having considered Richardson's brief, we will affirm the District Court's order.

The procedural history of this case and the details of Richardson's claims are well known to the parties and need not be discussed at length. Briefly, Richardson filed a complaint against Defendants in 2019. In August 2024, the District Court denied Richardson's motion for summary judgment and granted Defendants' motion for summary judgment. Richardson did not appeal the District Court's order. Over a year later, in September 2025, she filed a motion for relief from judgment pursuant to Rule 60(b). The District Court denied the motion, and Richardson filed a timely notice of appeal.

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the denial of a Rule 60(b) motion for an abuse of discretion, except for motions made pursuant to subsection (4), which we review de novo. *Budget Blinds, Inc. v. White*, 536 F.3d 244, 251 (3d Cir. 2008).¹

A motion filed pursuant to Rule 60(b) must be filed within a reasonable time, and for motions made pursuant to subsections (1), (2), and (3), the motion must be filed no more than a year after entry of the judgment. *See* Fed. R. Civ. P. 60(c)(1). As the Rule

¹ In her notice of appeal, Richardson stated that she was also appealing the District Court's August 2024 order granting summary judgment. However, as the Rule 60(b) motion was not filed within 28 days of that order, it did not toll the time to file a notice of appeal. *See* Fed. R. App. 4(a)(4)(vi); Fed. R. Civ. P. 59. Thus, the notice of appeal was untimely with respect to that order. *See* Fed. R. App. P. 4(a)(1)(A).

60(b) motion was filed more than a year after entry of the District Court’s judgment, the District Court did not err in denying the motion as untimely to the extent that it made arguments under Rule 60(b)(1)-(3). Thus, any argument that the District Court made a legal error, that there is newly discovered evidence, or that the opposing party committed fraud or misconduct was untimely. *See* Fed. R. Civ. P. 60(b)(1)-(3); *Kemp v. United States*, 596 U.S. 528, 533-34 (2022) (holding that a District Court’s legal error falls within the meaning of “mistake” under Rule 60(b)(1)).

The District Court addressed Richardson’s challenges to the District Court’s judgment pursuant to Rule 60(b)(4) & (6) on the merits. Rule 60(b)(4) allows for relief from a judgment that is void. “Rule 60(b)(4) applies only 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.” *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010).

Richardson argues that the District Court’s summary judgment ruling denied her a fair opportunity to have disputed facts resolved at trial. Fed. R. Civ. P. 56, however, allows for summary judgment if the moving party shows that there are no genuine disputes as to material facts. Here, the District Court determined that there were no such facts to be resolved by a jury. This determination does not make the District Court’s judgment void and is not a basis for relief under Rule 60(b)(4). *See In re Peterson*, 253 U.S. 300, 310 (1920) (explaining that “[n]o one is entitled in a civil case to trial by jury, unless and except so far as there are issues of fact to be determined”). Richardson has not shown that the District Court’s erred in determining that its judgment was not void. She

has not alleged any jurisdictional error or demonstrated that she was deprived of an opportunity to be heard.

Rule 60(b)(6) permits a litigant to move for relief from judgment for “any other reason that justifies relief.” For relief under Rule 60(b)(6), Richardson must show extraordinary circumstances. *See Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005).

Richardson argues that the District Court abused its discretion by failing to conduct an individualized inquiry regarding extraordinary circumstances. She believes that there were extraordinary circumstances due to the unreliability of the record including missing submissions, docket discrepancies, and systemic irregularities. She contends that these circumstances affected her ability to present her grounds for relief.

Richardson believes that some District Court docket entries had the initials of District Judges who were not assigned to the case at the time the document was filed but were later assigned to handle the matter. To the extent that Richardson is referring to the text at the top of the page of an electronically filed document, it appears that simply reflects the case number and initials of the judge assigned at the time the document was downloaded. Richardson has not explained how these purported anomalies prevented her from presenting her case.

Richardson also complains about the participation of a defense attorney before he was admitted pro hac vice, stays of the litigation for settlement purposes, mischaracterization of her representation status, and the filing of Defendants’ motion for

summary judgment by an attorney who had filed a notice of withdrawal.² Richardson, however, has not explained how these issues prevented her from litigating her case. She claims that she was unable to obtain discovery by dealing with an unauthorized attorney but does not provide any specific examples of relevant discovery she was unable to obtain.

Richardson has not shown any extraordinary circumstances that would warrant relief from the District Court's judgment. The District Court did not abuse its discretion in denying relief pursuant to Rule 60(b)(6).

For the above reasons, we will affirm the District Court's judgment. Richardson's motion to file a brief in excess of the word count is granted in this instance only.

² After the District Court pointed this out, the motion was refiled by another attorney.