

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1993

SABRINA D. DAVIS,

Plaintiff - Appellant,

v.

KIA MOTORS AMERICA, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at
Greenville. R. Bryan Harwell, District Judge. (6:08-cv-01937-RBH)

Submitted: January 17, 2019

Decided: January 22, 2019

Before WILKINSON and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Sabrina D. Davis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sabrina D. Davis appeals the district court's text order denying her Fed. R. Civ. P. 60(d)(3) motion to vacate the court's 2009 order dismissing her civil action for lack of jurisdiction. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Davis v. Kia Motors America, Inc.*, No. 6:08-cv-01937-RBH (D.S.C. Aug. 10, 2018). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

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U.S. District Court

District of South Carolina

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Document Number: 104(No document attached)

Docket Text:

TEXT ORDER denying [103] Motion to Vacate: In 2009, the Court dismissed this case for lack of subject matter jurisdiction, and in 2014, the Court denied Plaintiff's motion to reopen. See ECF Nos. [77] & [94]. Plaintiff has now filed a motion to vacate pursuant to Fed. R. Civ. P. 60(d)(3). See ECF No. [103].

"The savings clause in Rule 60(d)(3) permits a court to exercise its inherent equitable powers to obviate a final judgment after one year for 'fraud on the court.'" *Fox ex rel. Fox v. Elk Run Coal Co.*, 739 F.3d 131, 135-36 (4th Cir. 2014) (quoting Fed. R. Civ. P. 60(d)(3)). "[F]raud on the court is a nebulous concept that should be construed very narrowly" because it "involves corruption of the judicial process itself and thus the doctrine cannot support allegations involving a routine evidentiary conflict." *Id.* at 136 (internal quotation marks omitted). "Because the power to vacate a judgment for fraud upon the court is so free from procedural limitations, it is limited to fraud that seriously affects the integrity of the normal process of adjudication[.]" *In re Genesys Data Techs., Inc.*, 204 F.3d 124, 130 (4th Cir. 2000) (internal quotation marks omitted). "Proving fraud on the court thus presents, under Supreme Court and circuit precedent, a very high bar for any litigant." *Elk Run Coal*, 739 F.3d at 136-37.

Here, the allegations in Plaintiff's motion do not satisfy the high standard of Rule 60(d)(3), and therefore no basis exists to set aside the Court's prior judgment. Accordingly, the Court **DENIES** Plaintiff's [103] motion to vacate.

Signed by the Honorable R. Bryan Harwell on 8/10/2018.(eney,)

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