

No. 25-720

**IN THE
SUPREME COURT OF THE UNITED STATES**

LOUEMMA CROMITY,

Petitioner,

v.

CITY OF ORLANDO,

Respondent.

On Petition for a Writ Of Certiorari to the United
States Court Of Appeals for the Eleventh Circuit

Petition For Rehearing

Louemma Cromity
23155 Oak Prairie Cir
Sorrento, FL 32776
(352) 874-7941
louemma.cromity@hotmail.com
Petitioner, Pro Se

QUESTIONS PRESENTED

I. (Original Question): Whether the Eleventh Circuit's continued refusal to apply *Kemp v. United States*, 596 U.S. 528 (2022), directly conflicts with this Court's holding that "mistake" in Federal Rule of Civil Procedure 60(b)(1) includes a judge's errors of law, has created an immediate, irreconcilable Circuit Split, thereby denying litigants in that circuit the uniform application of federal procedural law.

II. (New Question): (Due Process & Standards) Whether a Court of Appeals violates the Fifth Amendment's Due Process Clause and this Court's mandate in *Kemp v. United States*, 596 U.S. 528 (2022) when it applies a deferential "abuse of discretion" standard to review judicial mistakes of law that—as documented by intervening administrative findings—were influenced by personal judicial bias and a lack of neutrality?

III. (New Question): (Judicial Integrity & De Novo Review) Whether the standard of review for a judge's mistake claims under Rule 60(b)(1) must be de novo rather than "abuse of discretion" to prevent the structural disintegrity and undermines the structural integrity of the federal judiciary caused by appellate "peer-review" and to ensure that legal errors are corrected independently of the lower court's predetermined outcomes?

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JURISDICTION

This Court entered an order denying the petition for a writ of certiorari on February 23, 2026. This petition for rehearing is timely filed within 25 days of that date pursuant to Supreme Court Rule 44.2.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Amendment V – Due Process Clause

U.S. Constitution, Amendment VII – Right to Jury Trial

28 U.S.C. § 455 – Disqualification of Judges (impartiality and bias)

28 U.S.C. § 2072 – Rules Enabling Act (authority for procedural rules)

Federal Rules of Civil Procedure, Rule 60(b) – Relief from Judgment or Order

STATEMENT OF THE CASE

Introduction

Pursuant to **Supreme Court Rule 44.2**, Petitioner respectfully moves for rehearing of the Court's order denying certiorari. This petition does not seek to reargue the merits of the case but instead focuses on substantial grounds and **intervening circumstances** that reveal a **controlling misapprehension of law** by the **Eleventh Circuit**. Specifically, the **Eleventh Circuit's application of the "Abuse of Discretion" standard** in reviewing a **Rule 60(b)(1) motion** involving a judge's **legal error** creates an **unconstitutional conflict** with this Court's holding in *Kemp v. United States*, 142 S. Ct. 1856 (2022). The **Kemp decision** requires **de novo review** of legal errors, not the deferential abuse of discretion standard applied here. This case arises from a **documented misapprehension of law and facts** by the **Middle District of Florida** and the **Eleventh Circuit Court of Appeals**. Petitioner originally sought review of the **Eleventh Circuit's refusal to correct "mistakes of law"** under **Federal Rule of Civil Procedure 60(b)(1)**, an issue squarely addressed by this Court's mandate in *Kemp v. United States*.

Since the initial petition was filed, an **intervening circumstance of substantial effect** has emerged. **Chief Judge William Pryor's Jr. Administrative Order** (Judicial Complaint No. 11-25-90291) (App. B) admits that **Judge Mendoza**, presiding district

judge, perceived **Petitioner's legal filings not as neutral advocacy** but as a **collaterally attack (personal) "attack"** on his prior rulings. A judge who perceives a litigant's arguments as a **personal attack** cannot maintain the necessary **impartiality** required under **28 U.S.C. § 455** and the **Fifth Amendment's Due Process** guarantee.

Moreover, **Chief Judge Pryor's admission that Judge Mendoza informed Petitioner in a Show Cause Hearing (App. C) that she "would not prevail"** on either of her lawsuits in the district court further underscores the **lack of impartiality**. Such an admission undermines the **neutrality** required by law and demonstrates that the District Court's "mistakes" were not mere oversights but rooted in **personal animus**. The **Eleventh Circuit's subsequent decision to apply an "Abuse of Discretion" standard**—instead of the mandatory **De Novo standard** required by **Kemp**—served to shield **judicial bias** from proper **appellate scrutiny**. This Court's decision in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), reinforces that a judge must **recuse themselves** if there is a **serious risk of actual bias**, which clearly exists in this case. **Judge Mendoza's perception of being "attacked"** creates a **constitutionally intolerable risk** that he could not act impartially. **Under 28 U.S.C. § 455(a)**, a judge must disqualify themselves in any proceeding where their **impartiality might reasonably be questioned**. By applying a standard of review that effectively **immunizes a judge's "feelings"** from appellate scrutiny, the **Eleventh Circuit** has allowed a peer judge to

bypass the **Due Process** guarantee of an **impartial tribunal**, violating the **Fifth Amendment**.

Petitioner now present these **substantial grounds**—previously unrepresented in this form—to the Court to ensure that the **hierarchy of federal law** is preserved and that the **Supremacy Clause** is not rendered a nullity by **circuit-level protectionism**.

Grounds For Rehearing: Lower Court’s Biased Decision and The Eleventh Circuit’s Improper Standard Of Review

Rehearing is warranted because the Eleventh Circuit deliberately applied a highly deferential “**Abuse of Discretion**” standard to Petitioner’s Rule 60(b)(1) motion, shielding judicial bias in the district court and failing to follow this Court’s controlling mandate in *Kemp v. United States*, 142 S. Ct. 1856 (2022). Chief Judge Pryor’s administrative order (App. B) confirms that **Judge Mendoza perceived Petitioner’s filings as a personal “attack”** on his prior rulings. This admission is not merely anecdotal; it provides a **direct insight into the motive** behind the district court’s rulings and the Eleventh Circuit’s subsequent refusal to correct them.

I. Judicial Bias in the District Court as the Central Motivating Factor

Judge Mendoza’s acknowledgment of feeling personally **attacked** demonstrates a **deep-seated antagonism** that rendered him unable to act impartially. As this Court held in *Liteky v. United States*, 510 U.S. 540 (1994), a judge’s **bias or**

preconception that substantially affects judicial rulings constitutes a **violation of due process**. By affirming his rulings under an **Abuse of Discretion Standard**, the Eleventh Circuit effectively **shielded these biased decisions** from meaningful appellate review. The motive is evident: the deferential standard served to **protect a judge's biased rulings rather than ensure correct legal application**. Petitioner presented clear and convincing evidence in her Rule 60(b) motion that the Respondent misrepresented its own policies and deceived the District Court. The Eleventh Circuit, by applying an abuse of discretion standard, effectively allowed the Respondent to take advantage of a judge who admitted feeling "attacked," insulating a decision influenced by bias rather than law.

II. The Eleventh Circuit's Deliberate Refusal to Apply De Novo Review

Kemp v. United States, 142 S. Ct. 1856 (2022), makes clear that **judicial mistakes of law under Rule 60(b)(1)** must be reviewed **de novo**, not with deference. By applying **Abuse of Discretion**, the Eleventh Circuit insulated **Judge Mendoza's legal errors** from correction. This was not a mere procedural error; it was a **deliberate choice**, motivated by **the judge's personal animus**, to avoid confronting legal errors influenced by bias. As *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 572 U.S. 559 (2014), confirms, **legal conclusions must always be reviewed de novo**, even when the appellate court might defer to factual findings. The Eleventh Circuit's deviation represents a **willful disregard of binding Supreme Court**

precedent, further highlighting the deliberate nature of its actions.

III. Constitutional Violations Stemming from Bias and Motive

1. **Fifth Amendment – Due Process:**
Petitioner was denied a fair and impartial review. By affirming Judge Mendoza’s rulings under a deferential standard, the Eleventh Circuit **ratified the district court’s bias, violating due process** protections.
2. **Seventh Amendment – Right to Jury Trial:** The biased rulings and lack of proper appellate review interfered with Petitioner’s **right to have factual disputes evaluated by a jury, particularly in matters of fraud or misrepresentation.**
3. **Supremacy Clause – Article VI, Clause 2:** The Eleventh Circuit’s refusal to follow **Kemp** undermines the hierarchy of federal law, allowing a **biased lower court ruling to stand unchecked**, contrary to Supreme Court precedent.

As *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), held, due process requires recusal or corrective action when a judge’s **bias or conflict creates a serious risk of unfairness**. By failing to enforce the correct standard of review, the Eleventh Circuit **protected the biased outcome**, creating a constitutional violation and demonstrating the **motive behind its decision.**

IV. The Motive Justifies Supreme Court Rehearing

The Eleventh Circuit's choice to **shield biased rulings** under an improper standard of review is not incidental—it reflects a **deliberate failure to enforce de novo review**, motivated by **judicial bias in the district court**. Rehearing is warranted to:

Correct the constitutional violation caused by documented judicial bias.

Ensure mandatory de novo review of judicial mistakes under Rule 60(b)(1), as required by Kemp.

Uphold the Supremacy Clause by reaffirming that lower courts cannot disregard binding Supreme Court precedent.

Protect future litigants from being denied fair, impartial appellate review due to judicial bias.

The Eleventh Circuit's Opinion spends more time documenting the Petitioner's procedural history than it does addressing the controlling law. By characterizing this appeal through the lens of prior filings and applying a deferential 'Abuse of Discretion' standard, the court bypassed the mandatory legal analysis required by **Kemp v. United States**.

SUMMARY OF THE ARGUMENT

Petitioner seeks rehearing because the Eleventh Circuit’s **continued reliance on the “Abuse of Discretion” standard to review a legal error** under Rule 60(b) contradicts *Kemp v. United States*, 142 S. Ct. 1856 (2022). Kemp holds that **mistakes of law by a judge are reviewable de novo**; the Eleventh Circuit’s deferential treatment effectively **shields judicial misapplication of the law** from independent appellate correction and **undermines due process and the Supremacy Clause**. The Court’s decision in *Highmark* (factual deference; legal questions de novo) reinforces the proper separation: **legal questions must be reviewed de novo**, not treated as mere discretionary judgments. The Eleventh Circuit’s practice here—permitting “deference” to Judge Mendoza’s legal conclusions **create a circuit split** and risks **ununiform application** of federal procedural law. Moreover, the intervening order from **Chief Judge Pryor** reveals (1) Judge Mendoza’s bias toward the Petitioner’s filings (described as a collaterally attack/personal attack”), and (2) a procedural posture that **undermines impartiality** under **28 U.S.C. § 455** and the **Fifth Amendment’s** due process guarantees. The Twombly plausibility standard supports the conclusion that the Eleventh Circuit’s mislabeling is not an isolated error but a **systemic risk** to the integrity of the judiciary. Granting rehearing is essential to restore **de novo review for legal errors**, protect the **jury-trial right** and ensure **uniform federal practice**.

ARGUMENT

I. THE ELEVENTH CIRCUIT'S DELIBERATE BYPASS OF THE KEMP MANDATE

Petitioner's appeal was not a general plea for mercy; it was built upon **eight specific questions of law**, led by the fundamental inquiry: **"Whether Rule 60(b)(1) authorizes relief based on a district court's mistakes of law, as qualified by *Kemp v. United States*."** Under the Supremacy Clause, once a question is framed as a **"mistake of law"** under Kemp, **the appellate court's "discretion" vanishes**. It is a binary choice: either the district court followed the law, or it did not. By summarily stating it was reviewing only for "abuse of discretion," the Eleventh Circuit deliberately avoided the De Novo scrutiny required for legal errors. A court cannot "discretionarily" choose to ignore a Supreme Court mandate. Therefore, by failing to address Petitioner's specific Kemp-based questions, the Eleventh Circuit has essentially ruled that lower courts have the **"discretion" to be lawless**.

II. Institutional Bias/Structural Error: Judge Emory Kidd Appearance of Impartiality ("Peer Review" Conflict)

The elevation of Magistrate Judge Emory Kidd to the Eleventh Circuit creates a specific legal hook under 28 U.S.C. § 455(a), which requires a judge to disqualify themselves if their "impartiality might reasonably be questioned." Judge Kidd's new "peer" status with the appellate judges creates a high probability of bias. The Eleventh Circuit refusal to

address the "Mistake of Law" was an attempt to protect the rulings of a former colleague (Judge Mendoza) and a current colleague (Judge Kidd) rulings the Eleventh Circuit had a vested interest in choosing the more "forgiving" Abuse of Discretion standard which resulted in the intentional use of the wrong standard of review to reach a predetermined result. In *Williams v. Pennsylvania*, 579 U.S. 1 (2016), the Supreme Court ruled that a judge cannot participate in a case where they previously had a significant role as a prosecutor. By extension, scholars argue that a "peer" relationship where judges are reviewing their own new colleague's prior work creates an objective "bias" in the system. As **Leah Litman** frequently argues, the "appearance of justice" is just as important as justice itself. When a lower court judge is elevated to the very appellate court reviewing his own work, it creates a "structural conflict" that undermines the entire appeal process.

III. The Eleventh Circuit's Use of an Abuse of Discretion Standard Was Deliberately Motivated by Judicial Bias

Rehearing is warranted because the Eleventh Circuit's decision to apply a highly deferential "**Abuse of Discretion**" standard to Petitioner's **Rule 60(b)(1) motion** was not a neutral procedural choice. It was **motivated by judicial bias** in the lower court and confirmed by Chief Judge Pryor. The Eleventh Circuit's refusal to apply the **de novo review** mandated by *Kemp v. United States*, 142 S. Ct. 1856 (2022), **shielded Judge Mendoza's**

biased decisions, preventing meaningful appellate scrutiny. Chief Judge Pryor’s Order (App. B) confirms that Judge Mendoza **perceived Petitioner’s filings as a personal attack on his prior rulings**, demonstrating **preconceived hostility**. Furthermore, during the Show Cause Hearing (App. C) Chief Judge Pryor admitted Judge Mendoza informed Petitioner that she “would not prevail in district court,” establishing that **Mendoza predetermined the outcome** of Petitioner’s lawsuit. This predetermination constitutes a **structural bias** that violated fundamental due process protections. In its opinion (App. A) the Eleventh Circuit stated: ‘We review the denial of the Rule 60 motion to vacate for an abuse of discretion.’ This framing is a deliberate misapprehension of the issues presented. Petitioner’s appeal specifically listed eight questions of law based on this Court’s holding in *Kemp v. United States*. By reviewing only the ‘denial’ generally—rather than the ‘mistakes of law’ specifically—the Court of Appeals utilized the ‘Abuse of Discretion’ standard as a jurisdictional shield. As this Court held in *Cooter & Gell*, a court ‘necessarily abuses its discretion if it bases its ruling on an erroneous view of the law.’ By failing to address the **eight specific legal errors**, the Eleventh Circuit has essentially ruled that it has the ‘discretion’ to ignore the Supreme Court’s definition of a ‘mistake.’ Moreover, the Federal Rules of Civil Procedure, including Rule 60(b), are promulgated under the authority of the **Rules Enabling Act, 28 U.S.C. § 2072 (2020)**. Under this statute, the Supreme Court is empowered to prescribe the rules of procedure for federal courts,

and these rules carry the force of law. The Eleventh Circuit’s decision to apply a **deferential “abuse of discretion” standard** to legal mistakes under Rule 60(b) **directly contravenes both the Supreme Court’s mandate in *Kemp v. United States*, 142 S. Ct. 1856 (2022), and the Rules Enabling Act**, which requires that the rules be applied **as written**. By ignoring the **de novo review required for judicial errors of law**, the Eleventh Circuit not only shielded Judge Mendoza’s bias but also **disregarded its statutory obligation to enforce the proper procedural rules**, creating a systemic violation of federal procedural law. This deliberate departure demonstrates the **motive to protect the lower court’s biased decision**, rather than uphold the law as required by statute and Supreme Court precedent.

IV. Judicial Bias Predetermination Violates the Fifth Amendment

The **Fifth Amendment guarantees due process**, including the right to a fair and impartial tribunal. By **prejudging Petitioner’s claims**, Judge Mendoza denied her a **neutral review**, and the Eleventh Circuit compounded the violation by **refusing de novo review**. This effectively **ratified the bias**, allowing Mendoza’s predetermined judgment to stand uncorrected. As the Supreme Court held in *Liteky v. United States*, 510 U.S. 540 (1994), a judge’s **deep-seated antagonism or personal bias** undermines due process. Here, **Chief Judge Pryor’s confirmation** that Mendoza perceived the filings as a personal attack provides

documented evidence of such bias. The Eleventh Circuit's deferential approach therefore did more than misapply a standard—it **perpetuated a constitutional violation.**

V. The Bias Denies the Seventh Amendment Right to a Jury Trial

The **Seventh Amendment guarantees the right to a jury trial** in civil cases where factual disputes exist. By predetermining the outcome and dismissing Petitioner's motions, Mendoza **prevented factual issues, including fraud and misrepresentation, from being properly considered**, undermining the right to have these disputes resolved by a jury. The Eleventh Circuit's **shielding of this bias through an abuse of discretion standard** further deprived Petitioner of her constitutional right to **full judicial review** of her claims.

VI. The Eleventh Circuit's Actions Violate the Supremacy Clause and Article III

The Eleventh Circuit's refusal to apply **de novo review** directly conflicts with *Kemp v. United States*, 142 S. Ct. 1856 (2022), which mandates that **judicial mistakes of law under Rule 60(b)(1) must be independently reviewed.** By **deferring to Judge Mendoza's biased rulings**, the Eleventh Circuit **subordinated Supreme Court precedent to lower court bias**, violating the *Supremacy Clause* (U.S. Const. art. VI, cl. 2) and **undermining Article III judicial authority.** As *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 572 U.S. 559 (2014), makes clear, **legal conclusions must be**

reviewed de novo. The Eleventh Circuit's deferential approach is therefore **constitutionally impermissible**, particularly where **bias and pre-judgment** are documented. This demonstrates that the Eleventh Circuit's action was **intentional and motivated by a desire to shield Judge Mendoza's bias**, not by a neutral application of law.

VII. Predetermination and Motive Justify Rehearing

The combination of: Judge Mendoza's admitted perception of personal attack, Chief Judge Pryor's confirmation of bias and predetermination, and the Eleventh Circuit's choice to apply abuse of discretion creates a **substantial, documented motive** for rehearing. This is **not a minor procedural error**—it is a **deliberate failure to correct biased judicial rulings**, violating **Fifth Amendment due process, Seventh Amendment jury rights**, and the **Supremacy Clause**.

Rehearing is therefore required to: Correct the **constitutional violation** caused by bias, ensure **de novo review** of judicial mistakes as required by **Kemp**, and; protect the **integrity of federal judicial proceedings**, guaranteeing impartial adjudication for future litigants.

VII. Conclusion

The record demonstrates that the District Court's "mistakes" were not discretionary choices but rooted in a documented rejection of the Rules Enabling Act and an unconstitutional bias now admitted in the intervening administrative record.

The **Eleventh Circuit's decision** was motivated by **bias**, and their application of the "**abuse of discretion**" standard reflects a **deliberate attempt to shield** biased rulings from scrutiny. Here critical **constitutional issues** are raised that impact the **integrity of the judicial system** and **due process**. The Court must intervene to ensure that **legal errors in Rule 60(b) motions** are **corrected via de novo review** and that **judicial bias** is not allowed to shape the outcome of **federal proceedings**.

**PRAYER FOR RELIEF: VACATUR AND
REMAND**

Petitioner respectfully requests that this Court grant the petition for rehearing, vacate the prior denial of certiorari, and ultimately issue an order vacating the judgment of the Eleventh Circuit.

Respectfully submitted,
/s/Louemma Cromity
Louemma Cromity
23155 Oak Prairie Circle
Sorrento, FL 32776
(352) 874-7941
louemma.cromity@hotmail.com
Petitioner, pro se
Date:

CERTIFICATE OF PETITIONER

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

A handwritten signature in black ink, appearing to read "Lauren Combs". The signature is written in a cursive style with a long, sweeping tail that extends to the right and then curves back down.

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APPENDIX A

Opinion of the United States Court of Appeals for
the Eleventh Circuit (No. 24-13760, filed September
26, 2025)

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APPENDIX A

Opinion of the United States Court of Appeals for
the Eleventh Circuit (No. 24-13760, filed September
26, 2025)

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13760
Non-Argument Calendar

LOUEMMA CROMITY,
Plaintiff-Appellant,
versus
CITY OF ORLANDO,
Defendant-Appellee.

Appeal from the United States District Court for the
Middle District of Florida
D.C. Docket No. 6:22-cv-00924-CEM-EJK

Before NEWSOM, BRANCH, and ANDERSON,
Circuit Judges.

PER CURIAM:

Louemma Cromity appeals the district court's order deny-ing her motion to vacate the judgment against her. *See* Fed. R. Civ. P. 60. The district court granted the City of Orlando's motion for summary judgment against Cromity and dismissed Cromity's claims of hostile-work-environment racial discrimination, dispar-ate-treatment racial discrimination, and retaliation under Title VII and Florida's Civil Rights Act. Cromity appealed, and we affirmed the district court's judgment. *Cromity v. City of Orlando*, No. 23-14079, 2024 WL 3325920 (11th Cir. July 8, 2024). Following our affirmance, Cromity filed a *pro se* motion to vacate the judgment against her, arguing that the judgment "was procured through [f]raud on the [c]ourt by the [d]efendant." Pl.'s Am. Mot. to Vacate at 1. Cromity asserted that Orlando misrepre-sented facts in its underlying summary judgment motion. She also contended that Orlando, as part of a scheme against her, created a conflict of interest for her former attorney. Specifically, she as-serted that Orlando's outside law firm, Allen Norton & Blue, P.A., offered legal work to her former attorney in 2022, which she al-legged her attorney accepted but did not inform her about until the following year. In her motion, she sought relief under Federal Rule of Civil Procedure 60(b)(3), (b)(6), (d)(1), and (d)(3).

The district court denied Cromity's motion to vacate and concluded that Cromity's motion was an "attempt to relitigate old issues" by "rehash[ing] arguments made on summary judgment and disagree[ing] with the evidence presented." Order Den. Pl.'s Am. Mot. to Vacate at 3. And, as to the alleged "conflict of interest" scheme, the district court concluded that Cromity failed to meet her burden to show by clear and convincing evidence that fraud occurred. *Id.*

On appeal, Cromity repeats her assertion that Orlando mis-represented evidence presented at the summary judgment phase and that Orlando's outside law firm created a conflict of interest for her attorney.¹ After careful review, we affirm.²

¹ The Appellee, the City of Orlando, has filed a motion to strike portions of Cromity's appendices on the ground that they contain legal argument and commentary that was not part of the record below and therefore do not comply with Eleventh Circuit Rule 30-1. Orlando's motion is GRANTED IN PART. We DIRECT the clerk to strike the entirety of Cromity's supplemental appendix. As Cromity's initial appendix, we decline to strike it, but we decline to strike it, but we will not consider pages-21-22 of Volume 2.

² For the first time on appeal, Cromity contends that the judgment against her should be vacated under Rule 60(b)(1) because the district court made a mistake of law when it (1) dismissed as meritless her motion for entry of default, which she filed subsequent to her motion to vacate, and (2) when it struck the reply she filed in support of her motion to vacate under Local Rule 3,01(d). She asks this court to reinstate her reply and to direct the district court to enter a default judgment in her favor. We will not consider these arguments. *Depree v. Thomas*, 946 F.2d 784, 793 (11th Cir. 1991) ("[A]n issue not raised in the district court and raised for the first time in an appeal will not be considered by this court.")

We review the denial of a Rule 60(b) motion to vacate judgment for an abuse of discretion. *Big Top Koolers, Inc. v. Circus-Man Snacks, Inc.*, 528 F.3d 839, 842 (11th Cir. 2008). “A district court abuses its discretion when it applies an incorrect legal standard, follows improper procedures, makes clearly erroneous factual findings, or applies the law unreasonably.” *Mills v. Comm’r, Alabama Dep’t of Corr.*, 102 F.4th 1235, 1239 (11th Cir. 2024), *cert. denied sub nom. Mills v. Hamm*, 144 S. Ct. 2600 (2024). “Because Rule 60 ‘vests wide discretion in [district] courts,’ we ask whether a reasonable jurist could conclude that the district court abused its discretion.” *Id.* (quoting *Buck v. Davis*, 580 U.S. 100, 123 (2017)). Thus, to overturn the district court’s denial of a Rule 60(b) motion, a party “must do more than show that a grant of its motion might have been warranted”; it must “demonstrate a justification for relief so compelling that the district court was *required* to grant [its] motion.” *Rice v. Ford Motor Co.*, 88 F.3d 914, 919 (11th Cir. 1996). In an appeal of an order denying a Rule 60(b) motion, the appeal is limited to a determination of whether the district court abused its discretion in denying the motion, and it does not extend to the validity of the underlying judgment. *Id.*

We also review the denial of a motion brought under Rule 60(d)(3) for abuse of discretion. *See Mills*, 102 F.4th at 1239-40.

Construing Cromity’s *pro se* briefing liberally—as we must, *Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020)—we conclude that she makes

arguments under Rule 60(b)(3), (b)(6), and (d)(3).³ She argues that Orlando perpetrated fraud on the court by misrepresenting evidence presented at the summary judgment stage and by creating a conflict of interest for her former attorney. We agree with the district court that Cromity failed to meet her burden under Rule 60.

Rule 60(b) allows a party to seek relief from “a final judgment, order, or proceeding for the following reasons”: (1) mistake or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a discharged judgment; or (6) “any other reason that justifies relief.” Fed. R. Civ. P. 60(b). The purpose of a Rule 60(b) motion is to allow the court to reconsider matters to “correct obvious errors or injustices and so perhaps obviate the laborious process of appeal.” *Carter ex rel. Carter v. United States*, 780 F.2d 925, 928 (11th Cir. 1986) (quoting *Fackelman v. Bell*, 564 F.2d 734, 736 (5th Cir. 1977)). A Rule 60(b) motion cannot be used to “relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” *Terrell v. Sec’y, Dep’t of Veterans Affs.*, 98 F.4th 1343, 1357 (11th Cir. 2024), *cert. denied sub nom. Terrell v. McDonough*, 145 S. Ct. 273 (2024) (quotation marks omitted).

“To obtain relief from a final judgment based upon fraud under Rule 60(b)(3), the moving party must prove by clear and con-vincing evidence that the adverse party obtained the verdict through fraud, misrepresentations, or other misconduct.” *Waddell v.*

³ As Cromity does not brief Rule 60(d)(1) on appeal, we deem any argument pertaining to that provision abandoned. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008)

Hendry Cnty. Sheriff's Off., 329 F.3d 1300, 1309 (11th Cir. 2003). “The moving party must also demonstrate that the conduct pre-vented [her] from fully presenting [her] case.” *Id.*

Rule 60(b)(6), “the catchall” provision, “grants federal courts broad authority to relieve a party from a final judgment upon such terms as are just, provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5).” *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 859 n.8, 863 (1988) (citation modified); see Fed. R. Civ. P. 60(b)(6). Relief under this clause “is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances” and that, “absent such relief, an extreme and unexpected hardship will result.” *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984) (citation modified). “Even then, whether to grant the requested relief is a matter for the district court’s sound discretion.” *Galbert v. W. Caribbean Airways*, 715 F.3d 1290, 1294 (11th Cir. 2013) (citation modified). The movant must provide a “justification so compelling that the district court was required to vacate its order.” *Id.* (citation modified).

And finally, Rule 60(d)(3) states that, notwithstanding Rule 60’s other avenues for relief from a judgment, a court has the power to set aside a judgment for fraud on the court. Fed. R. Civ. P. 60(d)(3). A movant who seeks relief under Rule 60(d)(3) must establish fraud on the court by clear and convincing evidence. *Mills*, 102 F.4th at 1239–

40. “That standard is demanding,” and the movant must establish that the alleged fraud is “highly probable.” *Id.* at 1240. “Fraud on the court . . . embraces only that species of fraud that officers of the court perpetrate against the judicial machinery and that defiles the court itself.” *Id.* at 1240 (citation modified). Because “[p]erjury and fabricated evidence are evils that can and should be exposed at trial,” they do not constitute fraud for the purposes of Rule 60(d)(3). *Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1552 (11th Cir. 1985). “[O]nly the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court.” *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978) (quoting *United States v. Int’l Tel. & Tel. Corp.*, 349 F. Supp. 22, 29 (D. Conn. 1972), *aff’d sub nom. Nader v. U.S.*, 410 U.S. 919 (1973)).

We conclude that the district court did not abuse its discretion when it concluded that there was “no basis” on which to grant Cromity’s motion to vacate. Order Den. Pl.’s Am. Mot. to Vacate at 4.

First, no reasonable jurist could conclude that the district court abused its discretion in ruling that Cromity failed to meet her burden under Rule 60(b)(3). Cromity was required to prove “by clear and convincing evidence that the adverse party obtained the verdict through fraud, misrepresentations, or other misconduct” and “that the conduct prevented [her] from fully presenting [her] case.” *Waddell*, 329 F.3d at 1309. Many of Cromity’s arguments were recycled from the summary judgment phase. And her assertion that her attorney was conflicted was

supported neither by clear and convincing evidence, nor by a demonstration that it impacted the verdict against her.

Second, no reasonable jurist could conclude that the district court abused its discretion in ruling that Cromity failed to meet her burden under Rule 60(b)(6). Cromity made no attempt to distinguish the grounds on which she sought relief under Rule 60(b)(6) and (b)(3). And, “relief cannot be had under clause (6) if it would have been available under the earlier clauses.” *Mills*, 102 F.4th at 1240 (quoting 11 Wright, Miller & Kane, *Federal Practice & Procedure* § 2864 (3d ed. Apr. 2023)).

Third, no reasonable jurist could conclude that the district court abused its discretion in ruling that Cromity failed to meet her burden under Rule 60(d)(3). Cromity did not even attempt to show that there was misconduct egregious enough to rise to the level of “fraud on the court.” *Rozier*, 573 F.2d at 1338. * * *

For the foregoing reasons, we hold that the district court did not abuse its discretion when it denied Cromity’s motion to vacate.

AFFIRMED.

APPENDIX B

Filed

U.S. Court of Appeals

Eleventh Circuit

Chief Hudge of the Eleventh Circuit

William H. Pryor Jr.

Judicial Compliant No. 11-25-90291

Order

APPENDIX B

Judicial Compliant No. 11-25-90291
Order

An individual has filed a Complaint against a United States district judge under the Judicial Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States

Background

The record establishes that Complainant filed an employment discrimination action against a defendant, and the case was assigned to the Subject Judge. She later filed a new civil complaint against the same defendant, raising claims stemming from the initial case and the defendant moved to dismiss. The second case was initially assigned to a different judge and that judge issued an order transferring the case to the Subject Judge with his consent to be considered with the related case.

After additional proceedings, the Subject Judge entered an order granting the defendant's motion to dismiss because the case an effort to collaterally attacked rulings in the previous case. The order directed Complainant to show cause as to why sanctions should not be imposed because it appears she was proceeding in bad faith.

At the show cause hearing, Complainant stated that a deputy clerk told her to file the second civil case, and the Subject Judge asked for the identity of the clerk. After Complainant gave further explanation, the Subject then thanked her, stated he knew who the person was, and stated that the person did not

give Complainant good advice. The Subject Judge then stated his “honest appraisal”, was that Complainant would not prevail on either of her lawsuits in the district court. The Subject Judge then explained that he would not imposed sanctions, but that if Complainant continued to submit vexatious or frivolous filings, he would require her to pay the defendant’s attorney fees and costs. Complainant thanked the Subject Judge and reiterated that she was told to file a separate lawsuit, and the Subject Judge responded, “I believe you. It’s unfortunate because that wasn’t good advice you received.” The Subject Judge then entered an order discharging the show cause order, and the case was closed. Afterward, Complainant filed a motion to recuse the Subject Judge.

Complaint

Complainant alleges the Subject Judge “demonstrated personal animus and a threat of punitive sanctions against the Complainant.” She alleges the Subject Judge improperly instructed another district judge to transfer her second case to him, orchestrated the transfer to ensure the case would be dismissed, and promptly dismissed the case “suggesting improper motive”. Complainant states that at the show cause hearing, the Subject Judge made hostile statements, “directly threatened” her with sanctions, “threatened the effectiveness of any appeal” would not go anywhere in his court, and called her a liar when she stated a deputy clerk informed her to file a new complaint. Complainant states the Subject Judge “denied/ignored” her motion to recuse “demonstrating an unwillingness to correct

the appearance of bias created by his threats.” She attached documents to her Complainant.

Discussion

Judicial Conduct Rule 4(b)(1) provides in part that “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.” The Commentary on Rule 4 explains the rationale for this rule as follows: Rule 4(b)(1) tracks the Act, 28 U.S.C. 352(b)(A)(ii) in excluding from the definition of misconduct allegations “[d]irectly related to the merits of a decision on procedural ruling.” This exclusion preserves the independent of judges in the exercise of judicial authority by ensuring that the complaint procedures is not used to collaterally call into question the substance of a judge’s decision or procedural ruling. Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge- without more – is merits-related.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, findings, rulings, and orders in the above -described cases, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is DISMISSED.

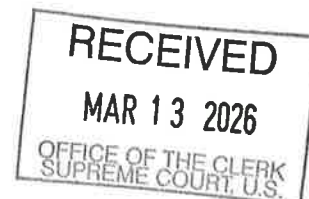
/s/ William H. Pryor Jr
Chief Judge

**Additional material
from this filing is
available in the
Clerk's Office.**

CERTIFICATE OF PETITIONER

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

Lauren Combs



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March 11, 2026

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RE 25-720: LOUEMMA CROMITY V. CITY OF ORLANDO, FLORIDA

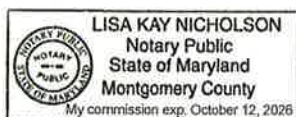
Dear Sir or Madam:

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing referenced above contains **2,961** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

Jack Suber, Esq.
Principal



Sworn and subscribed before me this 11th day of March 2026.

Lisa K Nicholson

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1 First Street, NE
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RE 25-720: LOUEMMA CROMITY V. CITY OF ORLANDO, FLORIDA

Dear Sir or Madam:

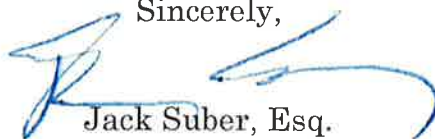
I certify that at the request of the Petitioner, on March 11, 2026, I caused service to be made pursuant to Rule 29 on the following counsel for the Respondent:

RESPONDENT:

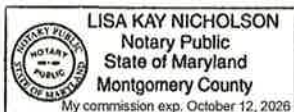
Brian Koji
Allen Norton & Blue, PA
324 South Hyde Park Avenue
Suite 225
Tampa, FL 33606
bkoji@anblaw.com
813-251-1210

This service was effected by depositing three copies of a Petition for Rehearing in an official "first class mail" receptacle of the United States Post Office as well as by transmitting digital copies via electronic mail.

Sincerely,



Jack Suber, Esq.
Principal



Sworn and subscribed before me this 11th day of March 2026.

