



**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 25-5164****September Term, 2025****1:12-cv-01515-RBW****Filed On: October 3, 2025**

David Kissi,

Appellant

v.

United States Department of Justice,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**BEFORE:** Millett, Pillard, and Garcia, Circuit Judges

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the motion for leave to proceed in forma pauperis, the motion for appointment of counsel, appellant's affidavits, and the supplement to the brief, it is

**ORDERED** that the motion to proceed in forma pauperis be dismissed as moot because appellant has paid the docketing fee. It is

**FURTHER ORDERED** that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED AND ADJUDGED** that the district court's April 14, 2025 order be affirmed. The district court did not abuse its discretion in denying appellant leave to file a motion to reconsider and accompanying affidavit because appellant did not file the documents within a "reasonable time" after entry of the order he sought to reconsider and appellant offered no valid basis for reopening the closed case. See Fed. R. Civ. P. 60(b), (c).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**

Clifton B. Cislak, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
DAVID KISSI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-1515 (RBW)
	)	
UNITED STATES DEPARTMENT OF	)	
JUSTICE,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

The plaintiff, David Kissi, brought this action against the United States Department of Justice (“DOJ”), seeking to recover funds from a federal trust account, named the Ammendale Trust, in which it appeared that certain of the plaintiff’s funds were placed in order to satisfy a court judgment against him and in favor of a mortgage company named Pramco II, LLC. See Amended Claim for \$100 Million Extraordinary Motion for Relief For Taking Trust Funds Without Compensation (“Am. Compl.”) at 1–2, ECF No. 8. Subsequently, on September 4, 2013, the Court denied the plaintiff’s then-pending motions and dismissed his Amended Complaint. See Order at 6 (Sept. 4, 2013), ECF No. 9. And, in light of the Court’s conclusion that “the plaintiff is a vexatious litigant[,]” id., the Court ordered that “the Clerk is directed to accept no further documents submitted by the plaintiff without leave of the Court having been granted in response to a request by the plaintiff[,]” id.

Nearly ten years later, the defendant appealed the Court’s September 4, 2013 Order, which the District of Columbia Circuit dismissed for lack of jurisdiction because it was untimely. See Order at 1 (July 31, 2023), ECF No. 13-1. Now, nearly two years after the D.C. Circuit’s

Order and approximately a year and a half after the Mandate issued by the Circuit, see Mandate at 1 (Oct. 25, 2023), ECF No. 13, the plaintiff seeks permission from the Court to file two documents: (1) a motion for reconsideration of the Court's September 4, 2013 Order, see Motion for Reconsideration of Order Dated 9/4/2013. See pp. 5-13. ("Pl.'s Mot."), ECF No. 14; and (2) an affidavit in support of his proposed motion, see Affidavit in Support of Motion [t]o Have Judge Reggie Walton Removed from Presiding on This Case Plus Justification for a Late Appeal ("Pl.'s Aff."), ECF No. 15.

Upon review of these documents, the Court denies the plaintiff's request for leave to file the two documents. Specifically, the request is denied because the various grounds for relief under the sections of Federal Rule of Civil Procedure 60(b) that provide relief for specific reasons appear inapplicable or unavailable, and therefore the Court construes the plaintiff's proposed motion for reconsideration as one brought under the "catch-all provision" of Rule 60(b)(6), Goddard v. Serv. Emps. Int'l Union L. 32BJ, 310 F.R.D. 190, 192 (D.D.C. 2015), which permits the Court to relieve a party from an Order "for any other reason that justifies relief," Fed. R. Civ. P. 60(b)(6). But, under Federal Rule of Civil Procedure 60(b), the plaintiff was required to file his motion for reconsideration "within a reasonable time" after the issuance of a Court order. Fed. R. Civ. P. 60(c)(1). "In this Circuit, courts almost uniformly deny Rule 60(b)(6) motions as untimely when they are filed more than three months after judgment[.]" Goddard, 310 F.R.D. at 193 (quoting Carvajal v. Drug Enf't Agency, 286 F.R.D. 23, 26 (D.D.C. 2012)), except where there is no prejudice to the non-moving party in "complex and long-running cases[.]" Salazar ex rel. Salazar v. District of Columbia, 633 F.3d 1110, 1119 (D.C. Cir. 2011) (delay of over twenty months), or where "the parties [we]re still in discovery[.]" Bowyer v. District of Columbia, 779 F. Supp. 2d 159, 166 (D.D.C. 2011) (delay of thirteen months).

Here, however, the plaintiff waited over nine-and-a-half years to file his motion for reconsideration, and provides no good cause for the delay. See Pl.’s Mot at 1 (representing only that the plaintiff did not “readily respond to [the Court’s] [ ] order because [he] didn’t receive it on time[.]” due to his three to four year term of incarceration and the “order got lost”); Pl.’s Aff. at 1 (stating that “[t]hen for some unexplained reason [he] didn’t hear any more about this case” even after his incarceration). However, even crediting the plaintiff’s representations regarding not receiving information from the courts during his term of incarceration, he does not provide any indication that he sought information about the status of this case during his detention or upon his release prior to filing his appeal a decade later. Further, even if the Court could find that it should excuse the filing of his untimely motion, it would nonetheless have to deny his motion because the plaintiff has provided no information that persuades the Court to revisit its prior ruling due to “extraordinary circumstances.” See Ackermann v. United States, 340 U.S. 193, 202 (1950); see also Twelve John Does v. District of Columbia, 841 F.2d 1133, 1140 (D.C. Cir. 1988) (cautioning that Rule 60(b)(6) “should be only sparingly used”) (quoting Good Luck Nursing Home, Inc. v. Harris, 636 F.2d 572, 577 (D.C. Cir. 1980)). Instead, the plaintiff merely attempts to relitigate issues already decided by the Court. See Black v. Tomlinson, 235 F.R.D. 532, 533 (D.D.C. 2006) (“Motions for reconsideration[.] . . . are ‘not simply an opportunity to reargue facts and theories upon which a court has already ruled.’” (quoting New York v. United States, 880 F. Supp. 37, 38 (D.D.C. 1995))). In light of the plaintiff’s failure to exercise due diligence in moving for reconsideration of the Court’s September 4, 2013 Order, as well as his failure to show any cause for such reconsideration, the Court would have to deny the plaintiff’s motion for reconsideration. Moreover, because the Court concludes that permitting the plaintiff

to file the documents would be futile, and because the plaintiff may not file documents without the leave of the Court, the Court denies leave to file these documents.

Accordingly, it is hereby

**ORDERED** that the plaintiff's request for leave to file two documents: (1) a motion for reconsideration of the Court's September 4, 2013 Order, see Motion for Reconsideration of Order Dated 9/4/2013. See pp. 5-13. ("Pl.'s Mot."), ECF No. 14; and (2) an affidavit in support of his proposed motion, see Affidavit in Support of Motion [t]o Have Judge Reggie Walton Removed from Presiding on This Case Plus Justification for a Late Appeal, ECF No. 15, is **DENIED**. It is further

**ORDERED** that the Clerk of the Court shall forthwith mail a copy of this Order to the plaintiff's address on record.

**SO ORDERED** this 14th day of April, 2025.

REGGIE B. WALTON  
United States District Judge

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