

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 13, 2026

Christopher M. Wolpert
Clerk of Court

LOWERY WILKINSON LOWERY, LLC,
an Oklahoma limited liability company,
et al.,

Plaintiffs - Appellants,

v.

STATE OF ILLINOIS doing business as
Illinois Supreme Court doing business as
Attorney Registration & Disciplinary
System, et al.,

Defendants - Appellees.

Nos. 25-7070 & 26-7001
(D.C. No. 6:25-CV-00022-RAW)
(E.D. Okla.)

ORDER

Before **PHILLIPS** and **FEDERICO**, Circuit Judges.

Appellants have filed the following motions: (1) *Emergency Motion for Stay of Execution Pending Appeal (No Bond)* and *Brief on Emergency Application* (Case No. 25-7070); (2) *Emergency Motion to Stay Proceedings and Notice of Denial of Record Access by the Illinois Supreme Court* (Case Nos. 25-7070 and 26-7001); (3) *Motion for Protective Appellate Order Illinois AG's Use of Hallucinated Citations Now Require Emergency Addressment of District Court Order due to Access-Blocking Misuse* (Case Nos. 25-7070 and 26-7001); and (4) *Emergency Motion to Vacate Judgement per 60(B)(4) Due to Hallucinated Citations in Orders by Article III Court or in the*

Alternative an Injunction to Stop Sale of Residence (Case Nos. 25-7070 and 26-7001).

All of these filings seek a stay or other injunctive relief.

To resolve the motions, we consider the traditional stay factors: “(1) whether the stay applicant[s] ha[ve] made a strong showing that [they are] likely to succeed on the merits; (2) whether the applicant[s] will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009) (internal quotation marks omitted). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of [the court’s] discretion.” *Id.* at 433-34.

Appellants have not satisfied their burden under *Nken* so we deny the motions. Furthermore, Appellants’ filings are numerous, frequent, repetitive, and full of frivolous arguments. Given the volume and content of these filings, in both of these procedurally consolidated appeals, we direct the Clerk of Court to summarily deny, within seven days, any preliminary motion that seeks similar relief based on the same or substantially similar arguments as were raised and rejected in these motions.

Entered for the Court

Per Curiam

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**LOWERY WILKINSON LOWERY, LLC
ET AL,**

Plaintiffs,

v.

Case No. 25-CV-22-RAW

STATE OF ILLINOIS, ET AL.,

Defendants.

ORDER

Before the Court is the Motion to Vacate Sanctions Order Under Fed. R. Civ. P. 60(b), For Recusal under 28 U.S.C. § 455(a), Transfer Under 28 U.S.C. § 1404(a), and to Proceed Informa Pauperis.¹ Dkt. No. 183. Because the Plaintiffs have not identified any mistakes or extraordinary circumstances that would warrant vacatur, the Motion is DENIED [Dkt. No. 207].

BACKGROUND

On July 31, 2025, this court entered an Omnibus Order denying Plaintiff's motion to recuse Judge White, dismissing Plaintiff's claims for lack of personal jurisdiction and failure of service, and imposing monetary sanctions in the form of attorney's fees and non-monetary sanctions,

¹ The title of the Plaintiff's Motion is confusing, considering the arguments it advances, and therefore necessitates a quick housekeeping note. The Motion is titled as a motion to vacate, as well as a motion for recusal and a motion for transfer. There are several issues with this. First, merging several motions into one violates the court's local rule requiring "each motion, application, or objection" to be filed as a separate pleading. LCvR 7.1 (b). Second, upon reading the Motion, the Plaintiffs only really argue that the court's Omnibus Order should be vacated. The arguments for transfer and recusal, to the extent they are coherent, appear to roll up into an argument for vacatur. Therefore, the court will treat the instant motion as one to vacate pursuant to Rule 60 (b), since that is the predominant relief requested. Additionally, the portion of this motion requesting leave to proceed in forma pauperis has been decided by to Magistrate Judge Snow. *See* Dkt. No. 213 and Dkt. No. 236 ruling on Plaintiff's other motions for in forma pauperis status Dkt. Nos. 175, 176, and 193.

including dismissal and filing restrictions. [Dkt. No. 183]. Notably, the court imposed dismissal with prejudice of the Plaintiffs' entire case as a sanction for what it considered severe and repeated misconduct. [See Dkt. No. 181]. The Plaintiffs move to vacate this Order pursuant to Fed. R. Civ. P. 60 (b) (1) for mistake and pursuant to 60 (b) (6), which authorizes relief from judgment under extraordinary circumstances, which the Plaintiff asserts are due process violations. [Dkt. No. 183 at 1]. Plaintiffs' motion also re-urges their arguments for recusal of Judge White, under 28 U.S.C. § 455 (a), asks the court to transfer the case to the Southern District of Illinois to be presided over by another Oklahoma Federal Judge, and requests permission to proceed in forma pauperis. Plaintiffs argue that the Omnibus Order [Dkt. No. 181] reflects factual errors, judicial bias, and procedural unfairness.

Legal Standard

In general, Rule 60 (b) relief is extraordinary and should only be granted in exceptional circumstances. *Scherer v. Hill*, 81 Fed. Appx. 995, 995 (10th Cir. 2003). In *Gonzalez v. Crosby*, the Supreme Court held that "Rule 60(b) allows a party to seek relief from a final judgment under a limited set of circumstances, including fraud, mistake, and newly discovered evidence." 545 U.S. 524, 125 S.Ct. 2641, 162 L.Ed.2d 480 (2005). Moreover, a movant must show "extraordinary circumstances" to justify the reopening of his final judgment under Rule 60(b)(6). *Gonzalez*, 545 U.S. at 535, 125 S.Ct. 2641 (citations omitted). Here, the court finds that the Plaintiffs failed to show a factual error or demonstrate that extraordinary circumstances require the court to vacate the Omnibus Order [Dkt. No. 181].

Analysis

The Plaintiffs do not identify any factual mistakes or extraordinary circumstances that would justify vacating the court's omnibus order pursuant to either Fed. R. Civ. P. 60 (b) (1) or

(b) (6). Instead of rebutting the basis for the court's sanctions, the Plaintiffs submitted additional frivolous legal arguments and irrelevant factual contentions, which was the exact conduct that led the court to impose sanctions.

1. Plaintiffs do not identify any factual errors warranting vacatur

First, Plaintiffs do not identify any factual errors that would justify vacating the Order. While the motion purports to identify several errors, the examples provided are either misrepresentations of the court's order, fabrications, or, in several instances, wholly irrelevant anecdotes about matters not before the court. For instance, the Plaintiffs advance several incoherent arguments claiming the court ignored "doj affidavits", improperly compared the Plaintiffs' conduct to that of "Richard Durbin", and "misinterpreted" pictures of what are very clearly Plaintiff Lowery holding up her middle finger. As stated, these arguments are incoherent and therefore do not warrant further attention or analysis other than to say they clearly do not establish a proper basis for vacatur. Instead of substantively supporting their argument by identifying errors or coherently arguing that exceptional circumstances might warrant vacatur, the Plaintiffs merely repeat previously submitted frivolous factual contentions. In doing so, the Plaintiffs demonstrate their continued disregard for their duties to the court.

2. Plaintiffs fail to show any legal errors warranting vacatur

The Plaintiffs argue that several legal errors warrant vacatur of the court's Omnibus Order. It is not entirely clear based on the Motion whether these arguments are raised under Rule 60 (b) (1) or (b) (6). In either case, the purported errors are simply not errors and do not justify vacating the order pursuant to Rule 60 (b) (1), nor do they rise to the level of exceptional circumstances warranting vacatur pursuant to Rule 60 (b) (6). Accordingly, the court rejects the Plaintiffs' motion to vacate on these grounds.

a. The court did not err in dismissing the Plaintiffs' case

Dismissal of the Plaintiffs' entire case was proper for numerous reasons. First, the Plaintiffs voluntarily dismissed one party, St. Clair County, Illinois, a fact they do not dispute in their Motion to Vacate. The only other Defendant that the Plaintiffs attempted to serve in this case, and who subsequently entered an appearance, is the Defendant State of Illinois. This party was dismissed for lack of personal jurisdiction, and the Plaintiffs do not provide any evidence suggesting that this finding was a mistake, based on fraud, or the result of any other extraordinary circumstance. The Plaintiffs argue that the court improperly dismissed their case because it misapplied the *Younger* abstention doctrine. However, the *Younger* abstention doctrine was not one of the bases for dismissal. The Omnibus Order clearly dismissed the matter for a lack of personal jurisdiction, insufficient service of process, and as a sanction. Plaintiffs' motion ignores the personal jurisdiction ruling and does not raise any other meaningful challenge to dismissal. Therefore, vacatur would not be proper here.

Additionally, Plaintiffs argue that the court improperly dismissed the unserved Defendants without granting leave for additional time to perfect service. The Plaintiffs contend that they were prevented from serving these defendants due to the court ordered stay. It is true that pursuant to Fed. R. Civ. P. 4 (m) a court shall extend the time for service for good cause shown and may extend the time even if the plaintiff fails to show good cause. *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). While in most cases a court may reasonably infer that the lack of service could be blamed on an attempt to comply with the stay diligently, Plaintiff's repeated violations of the stay indicate that it is likely not a real hindrance. Thus, in this instance, the court ordered stay does not constitute good cause for failure to timely serve. Even if it did, there were multiple grounds

for dismissing the unserved defendants, making the issue moot. Based on the Plaintiffs' allegations, these parties would be dismissed for lack of personal jurisdiction. Even if more time were granted, Plaintiffs' misconduct resulted in their entire case being dismissed as a sanction, making the issue moot.

b. The sanctions imposed in the Omnibus Order are proper, given Plaintiffs' repeated misconduct

Additionally, Plaintiffs argue that sanctions are improper because they were not properly served with a Rule 11 motion. This argument misunderstands the court's ruling. As the Omnibus Order clearly explains, the court imposed sanctions pursuant to its inherent authority and 42 U.S.C. § 1927, not Rule 11. In any event, Plaintiffs had ample notice that their conduct was improper prior to the imposition of sanctions, and they failed to reform their conduct. The Tenth Circuit has endorsed imposing sanctions on a party that repeatedly files lawsuits with no regard for obvious jurisdictional defects. *Olsen v. Aebersold*, 149 F. App'x 750, 751–52 (10th Cir. 2005). As fully explained in the Omnibus Order, the Plaintiffs repeatedly filed the same case, knowing jurisdiction was not proper. This, among other misconduct, was the basis for sanctions in the present case, and the Plaintiffs do not meaningfully challenge this finding in their Motion to Vacate. Next, the Plaintiffs claim that this court cannot exercise jurisdiction to award attorney's fees to St. Clair County after the Plaintiff dismissed the party. This, too, is mistaken. It is well established that courts retain jurisdiction to decide attorneys' fees even after a matter has been disposed of. *First Bank of Marietta v. Hartford Underwriters Ins. Co.*, 307 F.3d 501, 512 (6th Cir. 2002).

Next, the Plaintiffs argue that the doctrine of res judicata bars the imposition of sanctions in this case because Judge Sara Hill, district judge for the Federal District Court for the Northern District of Oklahoma, declined to impose sanctions against the Plaintiffs in a previous iteration of the present case. This argument completely misunderstands the doctrine of res judicata. It would

be nonsensical to prevent this court from appropriately sanctioning misconduct occurring in a case on its docket simply because another judge declined to do so when faced with a different instance of misconduct by the same individuals. As fully explained in the Omnibus Order, the Plaintiffs repeatedly filed the same case, knowing jurisdiction was not proper. This, among other misconduct, was the basis for sanctions, and the Plaintiffs do not meaningfully challenge this finding in their Motion to Vacate.

c. Judge White's decision not to recuse from the case was proper

Finally, Plaintiffs do not support their argument that the court's denial of their Motion to recuse should be vacated under Rule 60 (b). Plaintiffs contend that their motion for recusal was made pursuant to 28 U.S.C. § 455 (a) and not § 144, and that the Order inadequately addresses the appearance of bias. Plaintiffs' initial motion to recuse moved for recusal based on both statutes but provided no support for recusal on either ground, and neither does the motion to vacate. The record does not reflect any actual bias nor any conduct that might create the perception of bias. The Motion to vacate does not point to any factual errors or extraordinary circumstances that might favor recusal that would justify recusal at this time, and thus, this argument to vacate the ruling on the motion to recuse fails.

CONCLUSION

In sum, because the Plaintiffs fail to identify any fraud, mistake, newly discovered evidence, or extraordinary circumstances, their Motion [Dkt. No. 183] is DENIED pursuant to Fed. R. Civ. P. 60 (b) (1) and (b) (6).

Additionally, because the court will not be vacating its Order dismissing the Plaintiffs' case, all other pending motions are hereby DENIED as MOOT.

IT IS SO ORDERED on this 31st day of December, 2025.

A handwritten signature in cursive script, reading "Ronald A. White".

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**LOWERY WILKINSON LOWERY, LLC
ET AL,**

Plaintiffs,

v.

Case No. 25-CV-22-RAW

STATE OF ILLINOIS, ET AL.,

Defendants.

JUDGMENT

Pursuant to the Court's Omnibus Order [Dkt. No. 181], judgment is hereby entered in favor of Defendants St. Clair County, Illinois, and against Plaintiffs, Lowery Wilkinson Lowery, LLC, Margaret J. Lowery, and Ronald David Wilkinson, in the amount of \$109,340.00 for attorneys' fees.

Judgment is also entered in favor of Defendant, the State of Illinois and against Plaintiffs Lowery Wilkinson Lowery, LLC, Margaret J. Lowery, and Ronald David Wilkinson, in the amount of \$5,737.50 for attorneys' fees.

IT IS SO ORDERED this 31st day of December 2025.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA