

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RYAN J. HAUBER,

Petitioner,

v.

HONKAMP KRUEGER & CO., P.C.,

Respondent.

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

Ryan J. Hauber

Pro Se Petitioner

8126 Airedale Lane

Galena, IL 61036

Tel: 815-281-0401

ryanjhauber@icloud.com

QUESTION PRESENTED

Whether the Fifth Amendment's Due Process Clause permits a federal court to dismiss a disabled pro se litigant's case with prejudice as a discovery sanction while his properly filed, medically supported motion for accommodations remains pending and undecided.

PARTIES TO THE PROCEEDING

Petitioner is Ryan J. Hauber, the plaintiff-appellant below, appearing pro se. Respondent is Honkamp Krueger & Co., P.C., the defendant-appellee below.

RELATED PROCEEDINGS

Pursuant to Rule 14.1(b)(iii), the following proceedings are directly related to this case:

- Hauber v. Honkamp Krueger & Co., P.C., No. 2:23-cv-01033-LTS-KEM (N.D. Iowa) — judgment entered June 2, 2025; three motions for relief from judgment under Fed. R. Civ. P. 60, filed June 12, 2026 (Docs. 166, 167, 168), denied August 10, 2026 (Doc. 170).
- Hauber v. Honkamp Krueger & Co., P.C., No. 25-2561 (8th Cir.) — judgment entered March 23, 2026; petitions for rehearing and rehearing en banc denied May 13, 2026.
- In re Ryan Hauber, No. 25-3033 (8th Cir.) — petition for writ of mandamus filed October 9, 2025; denied October 17, 2025; petition for panel rehearing and rehearing en banc filed October 28, 2025; denied November 19, 2025.
- In re Ryan Hauber, No. 25-CV-1022-CJW-MAR (N.D. Iowa) — petitions for writ of mandamus, docketed as a single case; dismissed July 11, 2025.

- Honkamp Krueger & Co., P.C. v. Hauber, No. 2:22-cv-01029-LTS-KEM (N.D. Iowa) — filed December 20, 2022; dismissed with prejudice by stipulation March 13, 2023; case terminated March 14, 2023.

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OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit (App. A) is unpublished. The order of the district court adopting the report and recommendation of the magistrate judge, Doc. 141 (June 2, 2025), was filed under seal by order of that court and is reproduced in a separate sealed supplemental appendix, accompanied by a motion for leave to file under seal. The report and recommendation, Doc. 134 (April 18, 2025), also filed under seal, is reproduced in the same sealed supplemental appendix. The judgment of the district court, Doc. 142 (June 2, 2025), is reproduced at App. C. The district court's order denying petitioner's motions under Federal Rule of Civil Procedure 60, Doc. 170 (August 10, 2026), is unreported and is reproduced at App. F.

JURISDICTION

The court of appeals entered judgment on March 23, 2026 (App. A). Timely petitions for rehearing and rehearing en banc were denied on May 13, 2026 (App. B). This petition is filed within 90 days of the denial of rehearing. See Rule 13.3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the Constitution of the United States provides in pertinent part: "No person shall ... be deprived of life, liberty, or property, without due process of law."

Federal Rule of Civil Procedure 37(b)(2)(A) provides in pertinent part that if a party “fails to obey an order to provide or permit discovery,” the court “may issue further just orders,” which may include “dismissing the action or proceeding in whole or in part.”

STATEMENT OF THE CASE

1. Petitioner filed this action against his former employer on November 10, 2023, asserting claims under the Americans with Disabilities Act and the Family and Medical Leave Act. Doc. 1; Sealed Supp. App. (Doc. 141 at 2). He was represented by counsel at filing. Counsel withdrew in July 2024, and petitioner has proceeded pro se since July 26, 2024. Sealed Supp. App. (Doc. 141 at 2).

2. On August 8, 2024, petitioner moved for accommodations based on post-traumatic stress disorder (PTSD), requesting additional time to retain counsel, remote participation in proceedings, breaks during lengthy hearings, and assistance in navigating the judicial process. Doc. 41. The magistrate judge denied the motion on August 26, 2024, concluding that the supporting physician letter, dated October 24, 2022, did not demonstrate current need. Doc. 46.

3. Orders entered November 6, 2024 (Doc. 69) and February 20, 2025 (Doc. 95) compelled petitioner to identify all medical providers for the preceding ten years and to produce records or execute releases. The February 20 order warned that noncompliance could result in dismissal as a sanction. Doc. 95. On

February 27, 2025, petitioner filed a notice of compliance and executed signed releases for five providers. Doc. 101; Doc. 118-1.

4. On March 10, 2025, petitioner filed a motion for reasonable accommodations (Doc. 105), which the court denied without prejudice, together with a companion filing, for failure to comply with a local rule. Doc. 107. On March 18, 2025, two filings were docketed. Respondent moved to dismiss the case as a discovery sanction under Federal Rule of Civil Procedure 37(b)(2). Doc. 117. Petitioner filed his renewed motion for accommodations, supported by a declaration of his treating physician, Dr. Mary Koenigs, and requesting remote attendance when needed, short recesses during proceedings, and scheduling flexibility. Doc. 119; Doc. 119-1.

5. On April 18, 2025, the magistrate judge issued a report and recommendation on the motion to dismiss. Sealed Supp. App. (Doc. 134). The report found that petitioner “willfully and deliberately violated the discovery orders and acted in bad faith” with respect to the disclosure of medical providers and records, and it recommended granting the motion to dismiss and “denying all other remaining pending motions as moot.” *Id.* at 13, 17. The report did not address the accommodations motion on its merits.

6. On June 2, 2025, the district court, on de novo review, adopted the report and recommendation without modification, granted the motion to dismiss, dismissed the action with prejudice, and denied “[a]ll other pending motions ... as moot.” Sealed Supp.

App. (Doc. 141 at 20). The court separately imposed a \$500 monetary sanction for conduct unrelated to the discovery ruling. *Id.* The court directed that its order be filed under seal. *Id.* Judgment entered the same day: “Plaintiff take nothing and this case is dismissed with prejudice.” App. C (Doc. 142). The order cancelled the trial of the case, which had been set to begin July 28, 2025. Sealed Supp. App. (Doc. 141 at 20).

7. At the time of dismissal, the renewed accommodations motion (Doc. 119) had been pending 76 days without a ruling. Also unresolved at dismissal were petitioner’s motion for partial summary judgment (Doc. 93) and his motion to compel and to modify the protective order to permit him, as a pro se party, access to materials designated “attorneys’ eyes only” (Doc. 120). Each was terminated as moot by the dismissal. Sealed Supp. App. (Doc. 141 at 20).

8. The motion to dismiss and the accommodations motion were docketed the same day, March 18, 2025. The motion to dismiss was adjudicated: a report and recommendation issued 31 days after filing, and the motion was granted 76 days after filing. The accommodations motion received no ruling during the same 76 days and was extinguished as moot by the order granting dismissal. Docs. 117, 119; Sealed Supp. App. (Docs. 134, 141).

9. Petitioner’s timely motion under Federal Rule of Civil Procedure 59(e) (Doc. 143, June 30, 2025) was denied on July 3, 2025 (Doc. 145). He filed a notice of appeal on August 4, 2025. Doc. 146.

10. In the court of appeals, petitioner moved for accommodations and expedited consideration. On September 5, 2025, the court granted the motion in part, allowing petitioner to register for CM/ECF electronic filing and providing that he would “be notified in advance of any deadlines or oral argument,” and denied it in part, declining to permit filing by e-mail, remote participation, or recesses during proceedings. App. D. Petitioner’s brief requested oral argument. C.A. Br. 17. On March 23, 2026, the court of appeals affirmed per curiam without oral argument. App. A. Rehearing and rehearing en banc were denied on May 13, 2026. App. B.

11. On June 12, 2026, petitioner filed three motions for relief from judgment under Federal Rule of Civil Procedure 60 in the district court. Docs. 166, 167, 168. On August 10, 2026, the district court denied the motions, acknowledging that “the court did not explicitly rule on his motion (Doc. 119) for reasonable accommodations.” App. F (Doc. 170 at 11). No proceedings remain pending below.

REASONS FOR GRANTING THE PETITION

This petition presents a single question of constitutional procedure: whether due process permits a federal court to enter a case-ending sanction against a disabled pro se litigant while his properly filed, medically supported motion for accommodations remains pending and undecided. The question is outcome-dispositive here, it has not been decided by any court of appeals, and it will recur.

I. The question presented is an important and recurring question of first impression.

No court of appeals has decided whether the Due Process Clause requires a federal court to resolve a pending, medically supported accommodation motion before imposing a case-ending sanction on the disabled pro se litigant who filed it. The courts of appeals apply well-developed standards to discovery sanctions under Rule 37(b)(2), but no circuit has addressed the antecedent question of sequence: whether the tribunal must first decide a pending request bearing on the litigant's capacity to comply before adjudicating the consequences of noncompliance.

The question is of national importance. Self-represented parties account for a substantial share of the federal civil docket, and, under Judicial Conference policy, federal courts provide reasonable accommodations to persons with disabilities even though the Americans with Disabilities Act does not itself apply to the federal judiciary. No rule of procedure prescribes when such requests must be decided. Absent a constitutional sequencing principle, an accommodation request can remain pending until the case ends — at which point it is denied as moot by the very ruling it might have affected. That is what occurred here. Sealed Supp. App. (Doc. 141 at 20).

II. The decision below cannot be reconciled with this Court's due process precedents.

This Court's cases establish that the opportunity to be heard must be meaningful. *Boddie v.*

Connecticut, 401 U.S. 371, 377 (1971) (due process requires “a meaningful opportunity to be heard”); Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (the hearing must come “at a meaningful time and in a meaningful manner”) (citation omitted). These requirements bind the federal courts through the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497 (1954).

In *Tennessee v. Lane*, 541 U.S. 509, 531 (2004), this Court recognized that, in the context of access to the courts, the failure to accommodate a disability can operate as exclusion from the proceeding itself. A motion asking the court to accommodate a documented disability is therefore not an ordinary scheduling request; it asserts the litigant’s capacity to participate at all. Deciding the consequences of a litigant’s conduct before deciding his pending, medically supported request bearing on his capacity to participate inverts the sequence that a meaningful hearing requires. The accommodation question here was never decided at any time or in any manner: it was terminated as moot by the dismissal itself. Sealed Supp. App. (Doc. 141 at 20); App. F (Doc. 170 at 11).

III. The proceedings below departed from the accepted course of judicial proceedings.

Rule 10(a) recognizes certiorari where a lower court “has so far departed from the accepted and usual course of judicial proceedings” as to call for this Court’s supervisory power. The departure here is visible on the face of the docket and requires no credibility judgment. The sanctions motion and the

accommodations motion were docketed the same day. The first was fully processed — briefed, the subject of a report and recommendation within 31 days, and granted within 76 days. The second received no ruling at any point in those 76 days and was extinguished by the order granting the first. Docs. 117, 119; Sealed Supp. App. (Docs. 134, 141). Whatever the permissible range of docket management, a system in which a capacity-related motion can be mooted by the sanction it might have informed is not the accepted course of judicial proceedings.

IV. This Court’s decisions protecting pro se litigants confirm that review is warranted.

This Court has long directed that pro se filings be construed liberally. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam). And this Court has repeatedly granted review to correct procedural rulings that closed the courthouse to self-represented litigants. See *Perry v. Merit Systems Protection Board*, 582 U.S. 420 (2017) (pro se federal employment-discrimination litigant); *Parrish v. United States*, 605 U.S. 376 (2025) (procedural requirements may not operate as traps for pro se litigants). The question presented asks only that the same principle — that procedure must not silently extinguish the right to be heard — be applied to the sequencing of disability accommodation requests and case-ending sanctions.

V. This case is an ideal vehicle.

The question is purely legal and

outcome-dispositive, and the facts needed to answer it appear on the face of the docket: the filing date of the accommodations motion, the medical declaration supporting it, the absence of any ruling on it, and the entry of the case-ending sanction while it was pending. Docs. 117, 119, 119-1; Sealed Supp. App. (Docs. 134, 141); App. C.

The findings made below do not complicate the question; they frame it. The district court found willful and bad-faith noncompliance with discovery orders, and petitioner does not ask this Court to revisit those findings here. The question presented assumes the findings and asks whether they could constitutionally be adjudicated to a case-ending sanction while the motion addressing petitioner's capacity to comply — supported by an un rebutted declaration of his treating physician — remained undecided. Doc. 119-1. The district court's post-judgment order confirms the point on the public record: "the court did not explicitly rule on his motion (Doc. 119) for reasonable accommodations." App. F (Doc. 170 at 11). That order's retrospective consideration of petitioner's PTSD arguments as excuses for discovery conduct was not an adjudication of the accommodation request, which received no ruling at any time. Because the accommodation motion was never evaluated on its merits by any court, this case presents the question cleanly, unencumbered by any alternative holding.

CONCLUSION

The petition for a writ of certiorari should be granted, the judgment of the court of appeals vacated, and the

case remanded for further proceedings.

Respectfully submitted,


Ryan J. Hauber

Pro Se Petitioner

8126 Airedale Lane

Galena, IL 61036

Tel: 815-281-0401

Email: ryanjhauber@icloud.com

August 11, 2026

CERTIFICATE OF COMPLIANCE (Rule 33.1(h))

As required by Supreme Court Rule 33.1(h), I certify that the Petition for a Writ of Certiorari contains 2,126 words, excluding the parts of the petition that are exempted by Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 11, 2026.

Ryan J. Hauber, Pro Se Petitioner

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APPENDIX A

**United States Court of Appeals
For the Eighth Circuit**

No. 25-2561

Ryan Hauber
Plaintiff - Appellant

v.

Honkamp Krueger & Co. PC
Defendant - Appellee

Appeal from United States District Court
for the Northern District of Iowa - Eastern

Submitted: March 18, 2026

Filed: March 23, 2026

[Unpublished]

Before SHEPHERD, KELLY, and ERICKSON,
Circuit Judges.

PER CURIAM.

Ryan Hauber appeals after the district court¹ dismissed this action with prejudice and imposed a monetary fine as sanctions for discovery abuses pursuant to Federal Rule of Civil Procedure 37(b)(2). Upon careful review of the record and the parties' submissions on appeal, we conclude the district court did not clearly err in finding that Hauber willfully violated the court's discovery orders, *see Burgett v. Gen. Store No Two Inc.*, 727 Fed. Appx. 898, 900 (8th Cir. 2018) (unpublished per curiam) (standard of review), and based on that finding, did not abuse its

discretion by dismissing Hauber's complaint with prejudice and imposing a monetary fine, *see Comstock v. UPS Ground Freight, Inc.*, 775 F.3d 990, 992 (8th Cir. 2014) (standard of review); *Lindstedt v. City of Granby*, 238 F.3d 933, 937 (8th Cir. 2000) (*per curiam*) (pro se litigant bound to meet simple discovery requirements).

Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa, adopting the report and recommendations of the Honorable Kelly K.E. Mahoney, United States Magistrate Judge for the Northern District of Iowa.

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

No. 25-2561

Ryan Hauber
Plaintiff - Appellant

v.

Honkamp Krueger & Co. PC
Defendant - Appellee

Appeal from U.S. District Court for the Northern
District of Iowa - Eastern (2:23-cv-01033-LTS)

JUDGMENT

Before SHEPHERD, KELLY, and ERICKSON,
Circuit Judges.

This appeal from the United States District Court
was submitted on the record of the district court and
briefs of the parties.

After consideration, it is hereby ordered and
adjudged that the judgment of the district court in
this cause is affirmed in accordance with the opinion
of this Court.

March 23, 2026

Order Entered in Accordance
with Opinion:

Clerk, U.S. Court of Appeals,
Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX B

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

No. 25-2561

Ryan Hauber
Appellant

v.

Honkamp Krueger & Co. PC
Appellee

Appeal from U.S. District Court for the Northern
District of Iowa - Eastern (2:23-cv-01033-LTS)

ORDER

The petition for rehearing en banc is denied. The
petition for rehearing by the panel is also denied.

May 13, 2026

Order Entered at the Direction of
the Court:

Clerk, U.S. Court of Appeals,
Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX C

AO 450 (Rev. 11/11) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the
Northern District of Iowa

RYAN HAUBER,
Plaintiff,

v.

HONKAMP KRUEGER &
CO PC,
Defendant.

Civil Action No.
23-CV-1033 LTS-KEM

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover from the
defendant (*name*) _____ the amount of
_____ dollars (\$ _____), which includes
prejudgment interest at the rate of _____ %, plus post
judgment interest at the rate of _____ % per annum,
along with costs.

☐ the plaintiff recover nothing, the action be
dismissed on the merits, and the defendant (*name*)
_____ recover costs from the plaintiff (*name*)
_____.

☒ other: Plaintiff take nothing and this case is
dismissed with prejudice. Plaintiff is directed to pay
\$500.00 (five hundred dollars) to the court as a
monetary sanction.

This action was (*check one*):

[] tried by a jury with Judge _____ presiding,
and the jury has rendered a verdict.

[] tried by Judge _____ without a jury and the
above decision was reached.

[X] decided by Judge Leonard T Strand

Date: 6/2/2025

CLERK OF COURT

s/ jlh, Deputy Clerk

*Signature of Clerk or Deputy
Clerk*

APPENDIX D

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No: 25-2561

Ryan Hauber

Appellant

v.

Honkamp Krueger & Co. PC

Appellee

Appeal from U.S. District Court for the Northern
District of Iowa - Eastern (2:23-cv-01033-LTS)

ORDER

The appellant's Motion for Reasonable Accommodations and Request for Expedited Consideration is granted in part and denied in part. The appellant's motion is denied to the extent he seeks leave to file documents or contact the office of the Clerk of Court by e-mail. The appellant's motion to participate remotely and for recesses during proceedings is also denied. The appellant's motion is granted to allow Hauber leave to register through the PACER Service Center (<https://pacer.uscourts.gov>) for CM/ECF filing (<https://www.ca8.uscourts.gov/cmecf-information>). Hauber may also file documents in person, by mail, or by facsimile. Hauber will be notified in advance of any deadlines or oral argument and may move for an extension of the deadlines or other relief as necessary in the future with a showing of good cause as required by Fed. R. App. P. 26(b).

September 05, 2025

Order Entered at the Direction of
the Court:

Clerk, U.S. Court of Appeals,
Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX E

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA EASTERN DIVISION

RYAN HAUBER, <i>Plaintiff,</i> vs. HONKAMP KRUEGER & CO PC, <i>Defendant.</i>	No. C23-1033-LTS-KEM ORDER
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This matter is before me on a motion (Doc. 143) to reconsider filed by plaintiff Ryan Hauber¹ pursuant to Federal Rule of Civil Procedure 59(e). Hauber seeks reconsideration of the order (Doc. 141) adopting the Report and Recommendation (Doc. 134) of Chief United States Magistrate Judge Kelly K.E. Mahoney. Defendant Honkamp Krueger & Co PC (Honkamp) has filed a response (Doc. 144). Oral argument is not necessary. *See* Local Rule 7(c).

“Motions under Rule 59(e) ‘serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence’ and ‘cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.’” *Ryan v. Ryan*, 889 F.3d 499, 507 (8th Cir. 2018) (citation omitted). They “may not be used to relitigate old matters.” *See Exxon Shipping Co. v. Baker*, 554 U.W. 471, 485, n.5 (2008) (quoting 11 C. Wright & A. Miller, *Federal Practice and Procedure* § 2810.1, pp.

127-28 (2d ed. 1995)).

Hauber has not presented any new evidence or identified any manifest errors of law or fact. His motion raises the same arguments as his objections to the R&R, which I reviewed de novo. Because Hauber's motion does not present grounds on which to alter or amend the judgment under Rule 59(e), his motion (Doc. 143) is **denied**.

IT IS SO ORDERED this 3rd day of July, 2025.

Leonard T. Strand
United States District Judge

¹Hauber is representing himself.

APPENDIX F

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA EASTERN DIVISION

RYAN HAUBER, <i>Plaintiff,</i> vs. HONKAMP KRUEGER & CO PC, <i>Defendant.</i>	No. C23-1033-LTS-KEM MEMORANDUM OPINION AND ORDER
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I. INTRODUCTION

This matter is before me on motions (Docs. 166, 167, 168) to reconsider filed by plaintiff Ryan Hauber¹ pursuant to Federal Rule of Civil Procedure 59(e). Hauber seeks reconsideration of the order (Doc. 141) adopting the Report and Recommendation (R&R) (Doc. 134) of Chief United States Magistrate Judge Kelly K.E. Mahoney and judgment (Doc. 142) against him. Defendant Honkamp Krueger & Co PC (Honkamp) has filed a response (Doc. 169) to all three motions. Oral argument is not necessary. *See* Local Rule 7(c).

¹Hauber is representing himself.

II. BACKGROUND

Hauber filed his complaint (Doc. 1) in this case on November 10, 2023, alleging Honkamp violated the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA). On July 26, 2024, Hauber's counsel was permitted to withdraw

from the case and Hauber began representing himself. Doc. 37. On August 8, 2024, Hauber filed a motion (Doc. 41) for reasonable accommodations under the ADA and a motion (Doc. 42) for extension of time to comply with upcoming deadlines. Both motions were based on a purported diagnosis of post-traumatic stress disorder (PTSD). The court denied the motions, noting that Hauber must provide a basis for the court to find he currently needs accommodations.² Doc. 46.

²Hauber had submitted a physician letter dated October 24, 2022, about symptoms he was suffering from at that time. Doc. 41 at 7-8.

On August 28, 2024, Honkamp filed a motion (Doc. 47) to compel Hauber's discovery responses. On September 30, 2024, Hauber filed a motion (Doc. 51) for miscellaneous relief in which he sought an accommodation to attend and assist in his wife's deposition. The court granted in part and denied in part the motion, stating that Hauber could be present to protect his interests and provide support to his wife, but he could not provide testimony on his wife's behalf or help her formulate her answers. Doc. 53. On October 11, 2024, Honkamp filed a motion (Doc. 54) to have security present during the depositions of Hauber and his wife. In support of the motion, Honkamp filed a declaration of Jeremy Sosna, counsel for Honkamp, in which he described that Hauber acted in an "agitated and erratic manner" and that his conduct caused everyone in the room to have concerns about his behavior and their safety. Doc. 54-2 at 2. After Sosna decided to suspend the deposition due to Hauber's behavior, Hauber was

given the opportunity to speak on the record, during which he purportedly gave a 15-minute “diatribe in which he asserted that he intended to speak with his ‘advisors’ and varyingly threatened criminal charges and ethical complaints.” *Id.* at 4. Chief United States Magistrate Judge Kelly K.E. Mahoney held a hearing and granted the motion. Docs. 64, 66. Judge Mahoney found:

I have no reason to disbelieve defense counsel’s declaration. The transcript largely supports defense counsel’s statement that Plaintiff acted with hostility and improperly, and as noted, and the transcript does not capture everything that occurred. I do agree with Plaintiff that it does not appear he threatened criminal charges, but he did threaten an ethical complaint and insinuated that defense counsel sent an email to intentionally rattle during a family emergency. I do not find that defense counsel intentionally misrepresented what happened during the deposition or that sanctions are warranted.

Doc. 66 at 6-7. Judge Mahoney also warned Hauber that his PTSD diagnosis and pro se status did not excuse him from following the Federal Rules of Civil Procedure and noted that his motions cited nonexistent cases. She specifically warned that any future submission that includes cases that do not exist could result in sanctions. *Id.* at 3, n.1.

On November 6, 2024, Judge Mahoney issued an order compelling Hauber to respond to numerous

discovery requests related to his medical records and medical providers. Doc. 69. Hauber updated his interrogatory responses and produced some treatment records, but not all those requested. Doc. 134 at 4 (detailing deficiencies in Hauber's discovery responses). In response to a deficiency letter, Hauber provided some supplemental responses but also continued to withhold some medical records arguing they were not relevant or were privileged. *Id.* at 4-5. Honkamp issued another deficiency letter and requested that Hauber execute signed medical releases since he had not produced the medical records himself. *Id.* at 5-6. In January, Hauber produced some additional treatment records and updated his list of medical providers. He also stated there were no additional medical records to produce and that he had not withheld any medical records based on physician-patient privilege. *Id.* at 6. Honkamp repeated its request that Hauber complete the medical release forms. When Hauber refused, Honkamp filed a motion to compel the signed releases. *Id.* (citing Doc. 86). The court granted the motion stating he must provide Honkamp with the signed medical releases for each of the places and providers listed in the interrogatory response, could not withhold information on the basis of privilege, relevance or any other basis and warned that because the court had already ordered Hauber to provide this information, he was on notice that his failure to comply could result in the dismissal of his case as a sanction. *Id.* at 7 (quoting Doc. 95).

Upon receiving signed releases for five providers, Honkamp obtained substantially more medical

records than Hauber had previously produced. *Id.* at 7-9 (detailing discrepancies between the records Hauber had produced and represented as a “complete” production and records Honkamp obtained pursuant to the medical releases). The newly received medical records also made references to additional providers Hauber had never disclosed. *Id.* at 9. Honkamp then filed a motion to dismiss the case as a discovery sanction. *Id.* at 10 (citing Doc. 117). Judge Mahoney noted that in his resistance to the motion, Hauber cited two cases that appeared to be completely made up and misrepresented the holdings and quotations from other relevant cases. *Id.* She also noted that his resistance did not respond to several discrepancies identified by Honkamp. *Id.* Judge Mahoney ultimately recommended granting Honkamp’s motion to dismiss as a discovery sanction and denying all other remaining pending motions³ as moot and entering judgment in favor of Honkamp. *Id.* at 11-17. On June 2, 2025, I accepted the R&R, *see* Doc. 141, and entered judgment (Doc. 142) in favor of Honkamp.

³This included a March 18, 2025, renewed motion (Doc. 119) for reasonable accommodations. Hauber had previously filed a motion (Doc. 105) for reasonable accommodations on March 10, 2025. This motion was denied without prejudice along with a motion (Doc. 106) for leave to file a sur-reply because they failed to comply with Local Rules. Doc. 107.

On June 30, 2025, Hauber filed a motion (Doc. 143) to reconsider, which I denied. Doc. 145. He filed a notice (Doc. 146) of appeal on August 4, 2025. The Eighth Circuit Court of Appeals affirmed the judgment on March 23, 2026. *See* Doc. 158.

On June 12, 2026, the court received⁴ Hauber's motions (Docs. 166, 167, 168) to reconsider the order (Doc. 141) and judgment (Doc. 142) in this case pursuant to Federal Rules of Civil Procedure 60(b)(1), 60(b)(3), 60(b)(6) and, in the alternative, 60(d)(3).

⁴The motions were mailed June 2, 2026. See Doc. 165.

III. ANALYSIS

Honkamp argues Hauber's motions should be denied as he attempts to litigate the same theories this court and the Eighth Circuit Court of Appeals have already considered. It argues Hauber has failed to identify extraordinary circumstances to reopen this case. It also argues that Hauber's motions are untimely, his claims have already been litigated before the Eighth Circuit and his motions lack merit. I will address its arguments in that order.

A. Timeliness

Honkamp argues Hauber's motions have not been made "within a reasonable time" under Rule 60(c)(1) because the actions he complains about occurred in November 2024, March 2025 and April 2025, but he did not bring these motions until after the Eighth Circuit considered and rejected his arguments on appeal. It argues Hauber has not alleged any new facts or circumstances to justify setting aside the judgment.

All motions under Rule 60(b) must be made within a reasonable time. Motions under Rule 60(b)(1) through (3) must be made "no more than a year after the entry of the judgment or order or the date of the proceeding." Fed. R. Civ. P. 60(c)(1). Hauber submitted his motions within the one-year

deadline. With regard to whether they were made within a “reasonable time” depends on the particular facts of the case. *Federal Land Bank of St. Louis v. Cupples Bros.*, 889 F.2d 764, 767 (8th Cir. 1989). The Eighth Circuit has concluded a district court did not abuse its discretion by entertaining a Rule 60(b)(5)-(6) motion made after exhaustion of the appeals process and almost 23 months after judgment was entered. *Id.* (citing *Harris v. Union Elec. Co.*, 846 F.2d 482, 484-85 (8th Cir. 1988)). The court noted there was no indication that the motion had been filed for the purpose of delaying implementation of the underlying judgment.

In contrast, the court in *Cupples Bros.* noted that Cupples waited to bring its motion ten weeks after the foreclosure judgment was affirmed and only 12 days before the scheduled sale date. *Id.* The court reasoned that Cupples had not provided an adequate explanation for the delay and agreed with the district court’s conclusion that Cupples continued to file motions for the purpose of delay. As such, the court did not find the district court abused its discretion in finding Cupples’ Rule 60(b) motion was not made within a reasonable time.

I decline to deny Hauber’s motions based on timeliness. While his motions are based on actions that occurred in late 2024 and early 2025 (his wife’s deposition and his motions (Docs. 105, 119) for reasonable accommodations), his main complaint is that his case was dismissed with prejudice without a ruling on his motion (Doc. 119) and based on an alleged misrepresentation concerning his actions at his wife’s deposition. He filed his motions within a

year of that decision. In any event, there are stronger reasons to deny Hauber's motions.

B. Re-litigation of Issues

Honkamp argues Hauber's motions should be dismissed because his claims were already litigated before the Eighth Circuit. Honkamp notes that Hauber raised the issue that the district court did not properly consider his accommodation motion in three separate instances on appeal: his appellant brief, his petition for panel rehearing and rehearing en banc and his writ of mandamus. *See Hauber v. Honkamp*, No. 25-2561, Appellant's Brief at 12-15 (8th Cir. Oct. 8, 2025) (in which Hauber argued (1) the unresolved motions, including Doc. 119, underscored the disproportionality of the dismissal with prejudice for discovery violations and (2) that the court's failure to provide reasonable ADA accommodations was legal error that affected substantial rights); *Hauber v. Honkamp*, No. 25-2561, Petition for Panel Rehearing and Rehearing En Banc at 4-5, 5-9 (8th Cir. Apr. 6, 2026) (arguing the panel did not address the accommodation issue, including dismissal while his accommodation motion was pending); Doc. 154 at 8-12, 15-16, 18-19, 33 (arguing there was no action on his initial motion for accommodations (Doc. 105) and renewed motion (Doc. 119) for accommodations and seeking an immediate ruling on his renewed motion (Doc. 119) for accommodations).

The Eighth Circuit denied each request. *See* Doc. 158, *Hauber v. Honkamp*, No. 25-2561, Order Denying Petition for En Banc Rehearing (8th Cir. May 13, 2026), Doc. 155. Hauber also raised the issue of Honkamp's counsel making an alleged

misrepresentation to the court in his petition for a writ of mandamus (Doc. 154 at 13-15), which the Eighth Circuit denied. Doc. 155.

“[A] Rule 60(b) motion cannot be used to relitigate the merits of a district court’s prior judgment in lieu of a timely appeal, nor can it be used to collaterally attack a final court of appeals’ ruling in lieu of a proper petition for review in the United States Supreme Court.” *In re SDDS, Inc.*, 225 F.3d 970, 972 (8th Cir. 2000). *See also Broadway v. Norris*, 193 F.3d 987, 990 (8th Cir. 1999) (noting that Rule 60(b) is not a vehicle for “simple reargument on the merits” and that “[t]his ground alone is sufficient to prevent a holding that the District Court abused its discretion in denying the motion.”).

The Eighth Circuit issued a per curiam opinion concluding “the district court did not clearly err in finding that Hauber willfully violated the court’s discovery orders . . . and based on that finding, did not abuse its discretion by dismissing Hauber’s complaint with prejudice and imposing a monetary fine.” Doc. 158. This opinion implicitly rejected Hauber’s arguments concerning the dismissal with prejudice while his motion for accommodations was pending. The same is true with regard to Hauber’s arguments (to the extent they were not waived) concerning Sosna’s alleged misrepresentation that Hauber had threatened criminal charges during his wife’s deposition based on the Eighth Circuit’s denial of Hauber’s writ of mandamus. While I find that Hauber’s motions must be denied because his arguments have already been considered and rejected on appeal, I will further explain why they

fail to meet Rule 60(b) standards.

C. Merits

Hauber seeks relief pursuant to Rules 60(b)(1), 60(b)(3) and 60(b)(6), arguing that the court ordered dismissal with prejudice for noncompliance with deadlines that his pending motion (Doc. 119) for accommodations⁵ sought to modify. Under Rule 60(b)(1), he argues the court erred in failing to address his motion for accommodations first, amounting to a “mistake” and alternatively, any default amounts to excusable neglect based on his PTSD. Under Rule 60(b)(3), Hauber argues that Sosna made a misrepresentation by stating in his deposition that Hauber “threatened criminal charges.” Doc. 54-2 at 4. He argues the alleged misrepresentation materially impaired full and fair presentation of the case because it “distorted the lens through which subsequent files were reviewed.” Doc. 167-1 at 3. As to Rule 60(b)(6), Hauber argues extraordinary circumstances exist stating:

⁵Hauber also references his motion (Doc. 105) for reasonable accommodation, stating that it was merged into an unrelated filing (Doc. 106) and argues it did not receive independent adjudication.

This is not a case where any single procedural event, viewed in isolation, is the whole story. It is the cumulative effect that is extraordinary: Plaintiff presented un rebutted medical evidence supporting a need for accommodations; he filed accommodation motions directed at his ability to comply with discovery; the

operative accommodation motion (Doc. 119) was not decided for 76 days; and the case was ended for discovery noncompliance before the Court adjudicated the accommodation request that bore directly on what compliance required.

Taken together, these circumstances describe a dismissal entered without a meaningful adjudication of a disabled litigant's medically supported request for the means of participation, prior to imposing the ultimate sanction. That process-integrity failure is the kind of extraordinary circumstance for which Rule 60(b)(6) reserves equitable relief.

Doc. 168-1 at 3. Finally, Hauber alternatively seeks relief under Rule 60(d)(3) arguing "[i]f the Court determines that the administrative termination or merger of Doc. 105 reflected deliberate interference with independent judicial review of a separately filed accommodation motion, then the Court may consider whether that conduct rises to the level of fraud on the court." *Id.*

Rule 60(b) provides in relevant part:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect.

* * *

(3) fraud (whether previously called intrinsic or extrinsic, misrepresentation, or misconduct by an opposing party);

...

(6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). Rule 60(d)(3) provides that Rule 60 does not limit a court's power to set aside a judgment for fraud on the court.

Hauber has failed to demonstrate legal error that would constitute "mistake" under Rule 60(b)(1) by dismissal of his case with prejudice as a discovery sanction without ruling on his pending motion for accommodation. He has not cited any authority that this course of action was procedurally improper and his arguments are otherwise unconvincing. First, the discovery sanction was not based on a mere "noncompliance with deadlines." Rather, it was based on Hauber's willful and deliberate violation of court orders related to Hauber's obligations to disclose medical treatment and obtain (or execute releases for) medical records. *See* Doc. 134 at 12-14 (detailing Hauber's discovery violations). In her R&R, Judge Mahoney explained why other discovery sanctions could not provide an adequate remedy. *Id.* at 15. While Hauber argued that his mental health condition excused his conduct, Judge Mahoney noted that his argument rested on the premise that he "forgot" about undisclosed treatment, an assertion she did not credit. *Id.* at 16.

As a brief recap, on November 6, 2024, the court initially ordered Hauber to produce his medical records or execute signed releases for his medical

records. Doc. 69 at 9. He had refused to provide his medical records based on the Health Insurance Portability and Accountability Act (HIPAA). The court corrected him on HIPAA's application to his discovery obligations and ordered him to supplement his discovery responses concerning medical providers and medical records. *Id.*

On January 31, 2025, Honkamp filed its motion (Doc. 86) to compel Hauber's signed medical records release. Judge Mahoney granted this motion on February 20, 2025, noting that Hauber continued to withhold certain medical records and provider information based on asserted privileges and privacy interests that were inapplicable. Doc. 95. In this order, Judge Mahoney warned: "As the court has already ordered Hauber to provide this information and his medical records once, Hauber is on notice that the failure to comply with this order and provide a full and accurate list of his providers or to execute the waivers could result IN THE DISMISSAL OF THIS CASE AS A SANCTION." *Id.* at 2 (emphasis in original).

On March 10, 2025, Hauber filed his motion (Doc. 105) for reasonable accommodation along with a motion (Doc. 106) for leave to file a sur-reply. He also attached the motion (Doc. 105) for reasonable accommodation to the motion (Doc. 106) for leave to file a sur-reply. *See* Docs. 106-3, 106-4. The court considered these motions together and denied them without prejudice for failure to follow Local Rule 7(k). This rule provides that "[a]ll non-dispositive motions must contain a representation that counsel for the moving party personally has conferred in good faith

with counsel for all other parties and any pro se parties concerning the motion, and a statement of whether or not the other parties consent to the motion.” Local Rule 7(k). “If the moving party has not conferred with another party, the motion must contain a description of the efforts made to consult with the party and an explanation of why the efforts were unsuccessful.” *Id.* Each of the separate motions (Docs. 105 and 106) failed to meet this requirement, which is why they were summarily denied without prejudice.⁶

⁶This does not constitute “fraud on the court” under Rule 60(d)(3). Hauber’s motion (Doc. 168) is denied in that regard.

On March 18, 2025, Honkamp filed its motion (Doc. 117) to dismiss under Federal Rule of Civil Procedure 37(b)(2) and Hauber filed his motion (Doc. 119) for reasonable accommodations.⁷ Judge Mahoney issued her R&R (Doc. 134) on the motion to dismiss on April 18, 2025, recommending granting Honkamp’s motion to dismiss as a discovery sanction and denying all pending motions, including the motion (Doc. 119) for reasonable accommodations, as moot. Hauber filed his objections (Doc. 137) on May 6, 2025, in which he made various arguments related to his PTSD diagnosis. I addressed those objections in my order (Doc. 141) accepting the R&R. Specifically, I noted that the only relevant accommodation Hauber sought with regard to cognitive issues was patience and assistance from the court in navigating the judicial process and explained that the court had attempted to provide such by explaining the applicable rules to Hauber in simple terms and providing clear direction as to proper conduct in this

court. Doc. 141 at 14. Despite those efforts, Hauber continued to disregard rules and court orders. *Id.* (providing examples). I concluded his alleged PTSD symptoms did not provide a basis to ignore procedural rules or court orders. *Id.* at 15.

⁷On March 24, 2025, he filed a motion (Doc. 122) to correct his motion (Doc. 119) for reasonable accommodations so that the docket entry would reflect his request for expedited consideration.

Hauber's motions do not establish mistake or excusable neglect under Rule 60(b)(1) for the reasons stated in the R&R (Doc. 134), my order (Doc. 141) accepting the R&R and the opinion (Doc. 158) from the Eighth Circuit Court of Appeals. There is nothing procedurally wrong with the course of action taken by the court and for the reasons stated, Hauber's actions amounted to more than excusable neglect. While the court did not explicitly rule on his motion (Doc. 119) for reasonable accommodations, the court considered Hauber's arguments related to his alleged PTSD symptoms in both his resistance (Doc. 126) to the motion to dismiss and his objections (Doc. 137) to the R&R and did not find them to be a basis for excusing his discovery conduct or giving him further opportunity to comply with court orders and rules. His motions seek to relitigate those issues, which is an inappropriate use of Rule 60(b).

Nor does the alleged "misrepresentation" by Honkamp's counsel provide a basis for relief under Rule 60(b)(3). Even if it could be characterized as a misrepresentation, it did not materially impair the full and fair presentation of Hauber's case. Any impairment to Hauber's full and fair presentation of

case was due to his own deliberate and willful conduct in refusing to follow court orders and rules as explained in the R&R (Doc. 134) and the order (Doc. 141) accepting the R&R. In neither instance did the court consider Hauber's conduct at his wife's first deposition. Indeed, the court acknowledged that "it does not appear he threatened criminal charges." Doc. 66 at 7. Because the court rejected that representation, it is unclear how it purportedly affected later proceedings, particularly when the court never made further reference to those events. There is simply no basis to conclude that the final judgment in this case was based on any misrepresentation by opposing counsel.

Finally, Hauber has failed to demonstrate extraordinary circumstances under Rule 60(b)(6). As noted above, Hauber attempts to relitigate issues that have already been considered and addressed and has not provided any basis to find mistake, excusable neglect, fraud by misrepresentation, or any other circumstance that would justify relief from the final judgment. The court gave Hauber clear instructions, multiple opportunities to comply with court orders and rules and warnings about the potential consequences of failing to comply, which included dismissal with prejudice. Hauber willfully and deliberately continued to withhold medical treatment information and records despite the court's orders and warnings. He has not presented any new information in his motions that the court had not already considered in making its ruling and entering judgment in favor of Honkamp. Hauber has not shown any basis for relief under Rule 60(b).

IV. CONCLUSION

For the reasons stated herein:

1. Plaintiff Ryan Hauber's motions (Docs. 166, 167 and 168) to reconsider the judgment (Doc. 142) are **denied**.

2. Hauber is advised that this court considers this case to be fully and finally litigated. As such, if Hauber files any further motions in this case, Honkamp need not respond unless directed to do so by the court. In addition, Hauber is put on notice that if he files any future motion and the court finds the motion to be frivolous, he will be ordered to show cause as to why he should not be subject to sanctions pursuant to Federal Rule of Civil Procedure 11.

IT IS SO ORDERED this 10th day of August, 2026.

Leonard T. Strand
United States District Judge