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PER CURIAM OPINION, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT (JUNE 8, 2026)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHRISTOPHER MARTIN,

Plaintiff-Appellant,

v.

NFL DISABILITY PLAN; NFL RETIREMENT PLAN; MICHAEL B. MILLER, PLAN DIRECTOR; GABRIELLA BROWN, SENIOR COORDINATOR - PLAYER BENEFITS; ANITA MARTIN; LEGAL REPRESENTATIVES OF ANITA MARTIN; COLIN M. QUINN; LEWANNA BELL LLOYD; JUDGE KRISHNAN CHRISTOPHER JAYARAM; JUDGE CHRISTINA DUNN GYLLENBORG; LEONARD MATH; MARY R. WYATT; TAMMY PARROTT,

Defendants-Appellees.

No. 25-2984

Submitted: June 3, 2026
Filed: June 8, 2026
[Unpublished]

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Before: GRUENDER, KELLY, and KOBES, Circuit Judges.

PER CURIAM

Christopher Martin appeals after the district court[1] dismissed his civil action, challenging only the resolution of his Employment Retirement Income Security Act claim, which the district court concluded was time-barred. After careful review of the record and the parties' arguments on appeal, we find no basis for reversal. *See Humphrey v. Eureka Gardens Pub. Facility Bd.*, 891 F.3d 1079, 1081 (8th Cir. 2018) (reviewing de novo grant of Fed. R. Civ. P. 12(b)(6) motion to dismiss claim as time barred). Accordingly, we affirm, and we deny the pending motions. *See* 8th Cir. R. 47B.

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[1] The Honorable Howard Sachs, United States District Judge for the Western District of Missouri.

ORDER DENYING POST-JUDGMENT REVIEW, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI (APRIL 14, 2026)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

CHRISTOPHER MARTIN,

Plaintiff,

v.

NFL DISABILITY PLAN, ET AL.,

Defendants.

Case No. 4:25-cv-00100-RK

Before: Roseann A. KETCHMARK, United States District Judge.

ORDER

Pro se Plaintiff Christopher Martin filed this case alleging mishandling of his benefits accrued while working for the National Football League ("NFL") as well as his 2006 divorce proceedings. Now before the Court are three post-judgment motions filed by Plaintiff: (1) a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b)(2), (Doc. 94); (2) "Consolidated Post-Judgment Motion for Relief Under Rule 60(b)(2) and Request for Indicative

Ruling Under Rule 62.1(a)(3)," (Doc. 98); and (3) "Notice of New Evidence and Submission of Complete (11/18/2025) NFL Administrative Denial Appeal Package," (Doc. 99). After careful consideration and for the reasons stated below, Plaintiff's motions are DENIED.

DISCUSSION

Plaintiff brought a myriad of claims against many defendants. The instant motions only concern Plaintiff's claim for wrongful denial of his 2008 claim for total and permanent disability benefits under the NFL retirement plan brought pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"). Plaintiff alleged the claim against the NFL Disability & Survivor Benefit Plan ("Disability Plan"); the Bert Bell/Pete Rozelle NFL Player Retirement Plan ("Retirement Plan"); Michael B. Miller; Gabriella Brown; and Tammy Parrott (collectively, the "NFL Player Plan Defendants"). Numerous motions to dismiss were filed, including by the NFL Player Plan Defendants on March 21, 2025. (Doc. 17.) On August 8, 2025, the Court dismissed all of Plaintiff's claims against all defendants.[1] (Doc. 78.) With respect to Plaintiff's claim for wrongful denial of benefits by the NFL Player Plan Defendants, Plaintiff had not administratively exhausted his claim under the NFL Player Plan and the claim was time barred.[2] (*Id.* at 8-9.)

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[1] The case was originally assigned to the Honorable Howard F. Sachs. The case was reassigned by administrative transfer on December 31, 2025. (Doc. 95.)

[2] Unrelated to this ERISA claim, Plaintiff applied for Social Security Disability Insurance ("SSDI") benefits on December 5, 2022. Plaintiff submitted an unsigned April 2025 letter addressed to the Social Security Administration ("SSA") related to this

Plaintiff filed a motion to alter or amend the judgment pursuant to Rule 59(e) which was denied on September 3, 2025. (Doc. 88.) Finally, on October 3, 2025, Plaintiff filed a notice of appeal from the Court's August 8 and September 3, 2025, Orders. (Doc. 91.) That appeal remains pending.[3] (8th Cir. Case No. 25-2984.)

On October 20, 2025, the SSA determined that Plaintiff was disabled for purposes of the Social Security Act, with an onset date of January 5, 2005. (Doc. 99 at 17.) Accordingly, Plaintiff was awarded federal social security benefits.

After Plaintiff initiated his appeal, he filed the instant motions seeking relief under Rule 60(b)(2). The Court addresses the three motions together, as each motion raises the same argument which is that the SSA's October 20, 2025, determination finding Plaintiff disabled under the Social Security Act[4] is

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application for SSDI benefits. The Court acknowledged Plaintiff's reliance on the letter, but found that even if the letter established that the SSA had determined Plaintiff was disabled, that determination would not entitle Plaintiff to benefits under the NFL Player Plan because the plan expressly precludes total and permanent benefits in Plaintiff's situation; moreover, SSA determinations are not binding on plan administrators under ERISA.

[3] Ordinarily, the filing of a notice of appeal divests the Court's jurisdiction of aspects of the case involved in the appeal. *Hunter v. Underwood*, 362 F.3d 468, 475 (8th Cir. 2004). The Court may, however, consider a motion pursuant to Rule 60(b) "on the merits and deny it even if an appeal is already pending" before the Court of Appeals. *Id.*

[4] After Plaintiff's SSDI application was approved, Plaintiff completed another application for total and permanent disability benefits under the NFL Player Plan on October 31, 2025. The

newly discovered evidence that shows that the NFL Player Plan's denial of his 2008 claim for total and permanent disability benefits under the NFL Player Plan was erroneous because Plaintiff has been totally and permanently disabled since January 5, 2005.[5]

Rule 60(b)(2) permits courts to relieve a party from a final judgment for "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)[.]" In order to prevail under Rule 60(b)(2), a movant must show "(1) that the evidence was discovered after the court's order, (2) that the movant exercised diligence to obtain the evidence before entry of the order, (3) that the evidence is not merely cumulative or impeaching, (4) that the evidence is material, and (5) that the evidence would probably have produced a different result." *Miller v. Baker Implement Co.*, 439 F.3d 407, 414 (8th Cir. 2006).

Plaintiff is not entitled to relief under Rule 60(b)(2) because the newly discovered evidence he identifies (the October 20, 2025 award of federal social security benefits) was not in existence at the time judgment was entered in this case on August 8, 2025. *Strategic Energy Concepts, LLC v. Otoka Energy, LLC*, 120 F.4th 1339, 1345 (8th Cir. 2024) ("A Rule 60(b) motion . . . permits consideration only of facts which were *in*

NFL Player Plan denied that application on November 7, 2025. (Doc. 98 at 33.) The instant case challenges only the 2008 denial; Plaintiff has not alleged any wrongful denial of benefits stemming from the 2025 denial in this case.

[5] The other "newly" discovered evidence cited by Plaintiff was available to Plaintiff prior to the entry of judgment, and in several instances, was provided to the Court prior to its judgment *by Plaintiff.*

existence at the time of" the action being reconsidered." (quoting *Swope v. Siegel-Robert, Inc.*, 243 F.3d 486, 498 (8th Cir. 2001))). And, even if the SSA's decision as to Plaintiff's application for federal social security benefits had occurred prior to the Court's judgment in this case, it would not have produced a different result for the same reasons explained in the Court's August 8, 2025 Order dismissing Plaintiff's claims. (*See* Doc. 78 at 8-9.) That is, despite Plaintiff's award of federal social security benefits, Plaintiff's claim concerning the 2008 denial of benefits under the NFL Player Plan is still unexhausted, time-barred, and meritless.

CONCLUSION

Therefore, after careful consideration and review, and for the reasons explained above, Plaintiff's post-judgment motions pursuant to Rule 60(b)(2), (Docs. 94, 98, 99), are DENIED.

IT IS SO ORDERED.

/s/ Roseann A. Ketchmark
Roseann A. Ketchmark, Judge
United States District Court

Dated: April 14, 2026

ORDER DENYING MOTION TO AMEND AND RECUSE/REASSIGN JUDGE, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI (SEPTEMBER 3, 2025)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

CHRISTOPHER MARTIN,

Plaintiff,

v.

NFL DISABILITY PLAN, ET AL.,

Defendants.

Case No. 25-cv-00100

Before: Howard F. SACHS, United States District Judge.

ORDER

Pro se plaintiff Christopher Martin has filed three motions: (1) motion to alter or amend judgment entered on August 7, 2025; (2) motion to recuse Judge Howard F. Sachs; and (3) motion for reassignment and immediate consideration of plaintiff's pending emergency motion for TRO/protective order. (Docs. 80, 81, 82).

On August 8, 2025, this Court entered an order dismissing all claims brought by Martin against

various individuals associated with his 2006 divorce litigation and disability and retirement benefits from the National Football League (NFL). (Doc. 78). On the same day, plaintiff filed an emergency motion to compel immediate federal intervention and for protective order. (Doc. 77). Due to the timing of the filings of the motion and the judgment, that motion remains pending and was not addressed in the Court's August 8 ruling.

Motion to Alter or Amend Judgment (Doc. 80).

Plaintiff has now filed a motion to alter or amend judgment. He argues that the Court erred by failing to address civil rights claims, and that the judgment results in manifest injustice because it leaves him without a federal forum to challenge continuing state actions. He also suggests that there were irregularities because the dismissal order bears a signature date different than the docket entry, and that the court's dismissal of his claims violates his right to a jury trial.

Federal Rule of Civil Procedure 59 (e) was adopted as a mechanism for the Court to correct its own mistakes shortly after entering judgment. *Nordgen v. Hennepin Cty*, 96 F.4th 1072 (8th Cir 2024). The rule is limited to correcting "manifest errors of law or fact" or to allow a party to provide the court with newly discovered evidence. *Id.* Because plaintiff's arguments are directed to reiterating his previously filed positions, the motion to alter or amend judgment is denied. Furthermore, plaintiff is not left without a federal forum to challenge his actions, as he may file a Notice of Appeal.

On the same day the Court entered its judgment, plaintiff filed an emergency motion to compel immediate federal intervention and for protective order. (Doc. 77). These allegations concern the Johnson County District Court's treatment of arrearages with respect to his support order in his divorce proceedings, and as stated in the Court's previous order, there is no authority for this court to intervene in the proceedings in Johnson County. Accordingly, to the extent the motion is not foreclosed by this Court's earlier dismissal of the action, the motion is DENIED. (Doc. 77).

Motion for Recusal (Doc. 81).

Martin has filed a motion for recusal, arguing that Judge Sachs should recuse himself because: (1) Judge Sachs deprived him of his right to a jury trial and entered judgment without considering his emergency motion. He also argues that there is a pattern of favoritism and appearance of bias because the judgment mirrors state court conduct and other orders.

The Court is satisfied that there are no arguments supporting recusal. Martin has not provided any specific reasons supporting recusal other than his dissatisfaction with the Court's rulings. *Dossett v. First State Bank*, 399 F.3d 940, 953 (8th Cir. 2005) (Dissatisfaction with judicial rulings is not a valid ground for recusal).

Motion to Reassign (Doc. 82).

Finally, Martin asks that the case be reassigned and that because the final order of dismissal does not address the emergency motion, this alone is grounds for reassignment and immediate action. (Doc. 82). These issues have been addressed above, and therefore,

this motion is DENIED as moot. Accordingly, it is hereby

ORDERED that plaintiff's motion to compel immediate federal intervention and for protective order is DENIED (Doc 77). It is further

ORDERED that plaintiff's motion to alter or amend judgment is DENIED. (Doc. 80). It is further

ORDERD that plaintiff's motion to recuse Judge Howard F. Sachs is DENIED. (Doc. 81). It is further

Ordered that plaintiff's motion for reassignment and immediate consideration of plaintiff's pending emergency motion for TRO/Protective Order is DENIED. (Doc. 82) It is further

ORDERED that the Clerk of the Court mail a copy of this order by regular mail and certified mail, return receipt to plaintiff at: 1425 East 76 Terrace, Kansas City, Mo. 64131.

/s/ Howard F. Sachs
United States District Judge

Dated: September 3, 2025
Kansas City, Missouri

ORDER GRANTING MOTIONS TO DISMISS, U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI (AUGUST 8, 2025)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

CHRISTOPHER MARTIN,

Plaintiff,

v.

NFL DISABILITY PLAN, ET AL.,

Defendants.

Case No. 25-cv-00100

Before: Howard F. SACHS, United States District Judge.

ORDER

This case is brought by pro se plaintiff Christopher Martin and arises from his 2006 divorce litigation and disability and retirement benefits from the National Football League (NFL). Martin alleges discrepancies in the handling of his benefits accrued while working as a football player for the NFL and his 2006 divorce from Defendant Anita Martin. He has sued individuals associated with his divorce and various NFL officials associated with benefits, disability and

retirement planning. Martin has also filed an amended complaint naming two Alabama attorneys as defendants. (Doc. 10). Numerous motions to dismiss are now pending, and will be addressed, in turn, below.[1]

Legal Standard – Motion to Dismiss.

A claim may be dismissed if it fails "to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). In ruling on a motion to dismiss, the Court must accept as true all of the complaint's factual allegations and view them in the light most favorable to the plaintiff. *Stodghill v. Wellston Sch. Dist.*, 512 F.3d 472, 476 (8th Cir. 2008). However, to avoid dismissal, a complaint must include "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly,* 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal,* 556 U.S. 662, 678, (2009). "[N]aked assertion[s] devoid of further factual enhancement" or "unadorned, the-defendant-unlawfully-harmed-me accusation[s]" will not suffice. *Id.* (quotation omitted). In reviewing a pro se complaint, the court construes it liberally and draws all reasonable inferences from the facts in the

[1] Martin filed his original complaint on February 13, 2025 (Doc. 1). He then filed an Amended Complaint on February 21, 2025 (Doc. 3) and a Second Amended Complaint on March 12, 2025. (Doc. 10). On April 22, 2025, this Court entered an order staying any further motion practice except for motions to dismiss and related briefing. (Doc. 49). Despite this Order, Martin filed a motion for leave to file a Third Amended Complaint on April 22, 2025. (Doc. 66).

plaintiff's favor. *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 849 (8th Cir. 2014). However, while the court liberally construes a pro se complaint, it will not allege facts for the plaintiff. *See Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004). As such, even for a pro se litigant, in order to survive a motion to dismiss, a well-pleaded complaint "must contain something more than conclusory statements unsupported by specific facts." *Kaylor v. Fields*, 661 F.2d 1177, 1183 (8th Cir. 1981).

After filing his original complaint (Doc. 1), Martin filed two pleadings purporting to amend his complaint. (Doc. 3, 10). In the motions to dismiss, the parties have addressed the allegations raised in the amended pleadings, and these arguments will be considered in analyzing whether leave to file an amended complaint should be permitted. (Doc. 40).

Motions to Dismiss – Lewanna Bell-Lloyd. (Doc. 13) and Colin M. Quinn (Doc. 15).

James Martin began playing in the NFL in 1983 and retired in 1994. He was married to Defendant Anita Martin in 1986 and divorced in 2006. In the divorce proceedings, Defendants Bell-Lloyd and Quinn represented Anita Martin. Plaintiff was ordered to pay child support and spousal maintenance to Anita Martin and she was also awarded certain real estate formerly owned by the two of them.

In 2022, Plaintiff sued Anita Martin and her divorce attorneys, Bell-Lloyd and Quinn, in state courts both in Kansas and Missouri.[2] His claims were based

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[2] *Martin v. Quinn, Bell-Lloyd, and Martin,* Case No. 22-cv-1229 (Johnson Cty. Assoc. Court, Mar, 17, 2022) (Doc. 14-1); *Martin*

on fraud, and both suits were dismissed. (Docs. 14-5, 14-6). Plaintiff now raises additional claims against Bell-Lloyd and Quinn, including (1) Breach of fiduciary duty pursuant to ERISA (29 U.S.C. § 1104); (2) Racketeering pursuant to 18 U.S.C. § 1962; (3) Money laundering pursuant to 18 U.S.C. § 1956–57; (4) Wire fraud pursuant to 18 U.S.C. § 1343; (5) Perjury pursuant to 18 U.S.C. § 1621; (6) Fraudulent misrepresentation; (7) Civil conspiracy to commit fraud; (8) Fraudulent concealment; (9) Perjury pursuant to Mo. Rev. Stat. § 575.040; (10) Violation of Plaintiff's civil rights pursuant to 42 U.S.C. § 1983; and (11) Unjust enrichment. Defendants Bell-Lloyd and Quinn have filed motions to dismiss for failure to state a cause of action. (Docs. 13,15).

After careful review of plaintiff's complaint and amended complaints, the claims against Bell-Lloyd and Quinn are subject to dismissal for a number of reasons.

First, the claims based on criminal statutes (racketeering, money laundering, wire fraud and perjury) allege violations of criminal statutes for which there is no private civil cause of action available. *See Branca v. Tesla, Inc.,* No 4:24-cv-00178 RK (W.D. Mo.) (cited criminal statutes do not provide for private right of action). *See also Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.,* 511 U.S. 164, 190 (1994) (recognizing a "reluctan[ce] to infer a private right of action from a criminal prohibition alone" and that the Supreme Court has "refused to infer a private right of action 'from a bare criminal

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v. Bell-Lloyd, Quinn, and Martin, Case No. 2216-cv-05954 (Jackson Cty. Cir. Ct. Mar. 22, 2022) (Doc. 14-2).

statute'"); *Christy v. Petrus,* 365 Mo. 1187,1192 (Mo. 1956) ("[A] statute which creates a criminal offense and provides a penalty for its violation, will not be construed as creating a new civil cause of action independently of the common law, unless such appears by express terms or by clear implication to have been the legislative intent.").

Second, plaintiff's fraud claims fail as a matter of law. Fraudulent concealment is not a recognized cause of action, the fraud claims are barred by res judicata[3], and to the extent the claims arise from the 2006 divorce proceeding, the claims are barred by the statute of limitations. *See Nestlé Purina Petcare Co. v. Blue Buffalo Co.,* 181 F. Supp. 3d 618, 640 (E.D. Mo. 2016) ("Missouri courts have not recognized a separate claim of fraudulent concealment."); Mo. Rev. Stat. § 516.120 ("[a]n action for relief on the ground of fraud, the cause of action in such cases to be deemed not to have accrued until the discovery by the aggrieved party, at any time within ten years of the facts constituting the fraud" must be filed within five years).[4]

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[3] Martin sued Bell-Lloyd and Quinn in both Johnson County, Kansas, and Jackson County, Missouri, for fraudulent misrepresentation. Both suits were dismissed. Plaintiff argues that the fraud claim can still be brought here because the state court claims were based on fraud under state law and his is now asserting claims under ERISA. However, claim preclusion is not the basis for dismissal, and res judicata applies to the claims based on fraud. *See Banks v. International Union Elec., Technical, Salaried and Machine Workers,* 390 F3d 1049, 1052 (8th Cir. 2004) (discussing res judicata).

[4] Although Martin states that there is a 15 year outside limitation period for filing suit after commission of fraud, he ignores the additional requirement that the suit must be brought within

Third, the claims based on ERISA violations fail as there is no allegation that either of the defendant attorneys had any fiduciary obligation to James Martin, and in any event, any claim based on ERISA would be barred by the statute of limitations provided for in 29 USC § 1113 (providing for a six year statute of limitation after the last action which constituted a part of the breach or violation or three years after the earliest date on which plaintiff had knowledge of the breach or violation).

Fourth, the false imprisonment, section 1983, and unjust enrichment claims (asserted in the amended complaint) also fail. Plaintiff's sole allegation with respect to the false imprisonment claim is: "Defendants unlawfully imprisoned plaintiff based on falsified claims." These allegations do not support a false imprisonment claim under Missouri law. *See e.g. Griffin v. Walgreen Co.,* 2010 WL 4975532, at *10 (E.D. Mo.) (requiring detention or restraint of one against his will and unlawfulness of such detention or restraint). Martin's claim based on a section 1983 is likewise deficient because there is no allegation that defendants acted under color of state law. *See e.g. Green v. Byrd,* 972 F.3d 997, 1000 (8th Cir. 2020). His allegation with respect to unjust enrichment is that "Defendants . . . knowingly continued receiving payments beyond what was legally owed." This allegation is without any factual support or explanation as to the alleged "overpayment." *See, e.g, Binkley v. Am. Equity Mortg., Inc.,* 447 S.W.3d 194, 199 (Mo. 2014) (en banc) (elements of unjust enrichment). For

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five years of discovering the alleged fraud. Mo Rev Stat § 516.020

these reasons, Bell-Lloyd and Quinn are entitled to dismissal of the claims asserted against them.

Motion to Dismiss Filed by The NFL Disability & Survivor Benefit Plan (the "Disability Plan"), the Bert Bell/Pete Rozelle NFL Player Retirement Plan (the "Retirement Plan"),[5] Michael B. Miller, Gabriella Brown, and Tammy Parrott (together, the "NFL Player Plan Defendants"). (Doc. 17).

The NFL Player Plans are ERISA-governed multi-employer pension and welfare benefit plans that provide retirement and disability benefits to eligible former NFL players and their beneficiaries. (Doc. 19-1,2). Defendants Miller and Parrott are employees of the Retirement plan and Defendant Brown is a former NFL employee. None of these individuals are Designated Plan Administrators or involved in the administration of plaintiff's retirement or disability claims. (Doc. 19-6,7,8).

Although plaintiff's claims are difficult to decipher, he seems to be alleging improprieties with respect to his 2008 disability benefits determination under the Retirement Plan and the administration of his retirement benefits with respect to his 2007 and 2008 Qualified Domestic Relation Order (QDRO) in connection with his Kansas divorce proceedings.

Disability Determination.

On January 1, 2006, at plaintiff's election, he began receiving retirement benefits under the NFL

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[5] The Disability Plan and the Retirement Plan are incorrectly sued herein as "NFL Disability Plan" and "NFL Retirement Plan". For ease of reference, the plans will be referred to as the "NFL Player Plans."

Retirement Plan. (Doc. 3-1 Martin Aff. at 4). There was a change in the Retirement Plan's terms in 2008 which allowed plaintiff to apply for an award of Total and Permanent Disability benefits under the Retirement Plan's terms. Martin applied for these benefits and was denied by the Retirement Board on July 30, 2008. According to the Plan's terms, Martin had 180 days to appeal his denial of benefits to the Retirement Board. He did not appeal the adverse determination. Furthermore, the plan contained a 42-month limit on filing an appeal under ERISA, and no appeal was filed.

Retirement Benefits and Johnson County QDRO's.

With respect to his divorce proceedings, Johnson County Court issued two Qualified Domestic Relations Orders (QDRO's). The first entered on March 9, 2007, awarded Anita Martin 46.15% of Plaintiff's retirement benefits under the NFL Retirement until plaintiff's death. (Doc. 19-4) An Amended Order was entered on Aprils 29, 2008, altering the retirement benefits due to James Martin's "significant support arrearages." (Doc. 19-5).

Discussion.

The NFL Player Plan defendants argue that the claims asserted against them are subject to dismissal because: (1) plaintiff fails to allege fact to support his claims; (2) plaintiff failed to exhaust administrative remedies with respect to his 2008 Disability denial; (3) his challenge to the 2008 disability determination is time-barred; (4) plaintiff cannot state a claim based on the Retirement Plan's compliance with valid QDRO's; (5) the claims against Miller, Brown, and Parrott fail as none of these individuals are fiduciaries under ERISA;

(6) the Court lacks jurisdiction over Miller, Brown, and Parrott. (7) plaintiff's claim based on fraudulent concealment is meritless; (8) plaintiff's claims for breach of fiduciary duty is meritless; (9) plaintiff's RICO claim is legally deficient; (9) Plaintiff's criminal statutory claims (money laundering, wire fraud, embezzlement, civil conspiracy and perjury) are meritless as there is no private right of action; (10) the claim based on a violation of civil rights is frivolous.

Martin's primary response to the motion to dismiss is that the "undisputed findings of fact: from the *Cloud v. Bert Bell,* 95 F.4th 964 (5th Cir. 2024) are "binding precedent". Plaintiff cites findings from the district court that "the NFL Plan's [had a] disturbing lack of safeguards" and "aggressive bias against disabled former players." (Doc. 53). Martin fails to recognize, however, that the *Cloud* case involved a different NFL player and a different legal issue – whether the player had shown "changed circumstances" justifying a request to reclassify his disability benefits. The district court's analysis of the player's individual situation has no bearing here and furthermore, the district court was reversed by Fifth Circuit, with instructions to enter judgment for the Retirement Plan. The *Cloud* case is of no help to plaintiff.

Martin also fails to address that according to the Plan's terms, Martin had 180 days to appeal his denial of benefits to the Retirement Board and a 42-month limit on filing an appeal under ERISA. Neither of these prerequisites were met and the claims based on a wrongful denial of benefits are not administratively exhausted and are time-barred.

Similarly, plaintiff's reliance on an unsigned April 28, 2025, letter addressed to the Social Security

Administration does not help his claims here either. (Doc. 53-4). Plaintiff purports to argue that based on this letter the Social Security has found him disabled and so the NFL's determination to the contrary is wrong. However, there is no indication that the Social Security Administration has responded to Plaintiff's case or made any disability determination. Even if it did, Plaintiff would still not be entitled to disability benefits under the Plan as the Disability Plan expressly precludes T & P benefits under the terms of the Disability benefits. Moreover, SSA disability determinations are not binding on ERISA plan Administrators. *See Coker v Metro Life Ins. Co.* 281 F.3d 793, 798 (8th Cir. 2002).

Motion to Dismiss – Leonard Math and Mary R. Wyatt (Doc. 35).

Defendants Math and Wyatt are not included in the original complaint (Doc. 1). These two defendants were included in Plaintiff's Amended Complaint (Doc. 3). Martin alleged that they colluded with other defendants "to fraudulently extend financial obligations beyond their legal term." (Doc. 3). The claims include unjust enrichment under federal law, civil conspiracy, and perjury.

Math and Wyatt are attorneys and citizens of Alabama and were retained to file several actions in Madison County, Alabama. Math and Wyatt ("Alabama Defendants") ask that they be dismissed for lack of proper service, lack of personal jurisdiction, and for failure to state a cause of action. (Doc. 35).

Plaintiff does not dispute that he has not properly served the Alabama Defendants, and dismissal for that reason is appropriate. *See King v. Preferred Fam.*

Healthcare, 2021 WL 2458676, at *2 (W.D. Mo.) (dismissal pursuant to Federal Rule of Civil Procedure 12(b)(4) and 12(b)(5) due to insufficient process or insufficient service of process).

Furthermore, plaintiff's only response to the Alabama Defendants' argument that the court lacks personal jurisdiction is that "Alabama based execution agents for a broader network of collusion" and they "knew or should have knowns that the marital timeline and NFL service years were represented in the QDRO's and thus had a legal and ethical duty to halt, not advance the scheme." (Doc. 52 p.3). These allegations are not included in Plaintiff's Amended Complaint (Doc. 3) or Second Amended Complaint. (Doc. 10). The only allegation of jurisdiction is in plaintiff's motion for leave to file an Amended Complaint and plaintiff's statement that the Alabama defendants filed legal documents in Alabama containing false information causing plaintiff to be deprived of property in Alabama and demanding return of that property. (Doc. 40-1). The proposed Amended Complaint states that the Court has jurisdiction because the Alabama defendants "intentionally caused harm to Plaintiff, a Missouri resident, knowing the impact would be felt in Missouri." (Doc. 40-1).

Plaintiff's simple allegations are insufficient to support personal jurisdiction over the Alabama defendants. It is well settled that "absent additional contact, mere effects in the forum state are insufficient to confer personal jurisdiction." *Johnson v. Arden,* 614 F.3d 785, 794 (8th Cir.2010). Accordingly, the claims against the Alabama defendants are dismissed.

Motion to Dismiss – The Honorable Christina Dunn Gyllenborg (Doc. 60) and The Honorable K. Christopher Jayaram (Doc. 61).

Christina Dunn-Gyllenborg and K. Christopher Jayaram, are Kansas state court judges in the District of Johnson County, Kansas. (Docs. 60-1, 60-2)

The judges have filed motions to dismiss arguing that the claims against them should be dismissed based on: (1) lack of proper service; (2) lack of personal jurisdiction; (3) sovereign immunity; and (4) judicial immunity. (Doc. 60, 61).

Plaintiff argues that service complied with KSA 60-304(a) as the Complaint and summons were delivered to court personnel and judicial mailboxes, and even if the judges dispute personal service, they both received actual notice, and thus, he has satisfied the constitutional standard of notice. (Doc. 64). Plaintiff presents an alternative argument that the Court should grant him leave to cure service using a process server or certified mail. (Doc. 64).

It is unnecessary that plaintiff be permitted to cure defective service because there is no personal jurisdiction over the defendant Kansas judges, and any claims against them are barred by judicial immunity.

Plaintiff alleges that the defendant Kansas judges acted outside of the scope of their judicial authority by enforcing a "fraudulent debt." (Doc.64). However, there are no allegations to suggest that the judges acted outside of their judicial authority and even reading the complaint liberally, all allegations pertain to plaintiff's divorce proceedings in Johnson County, Kansas. A conclusory allegation that an act is beyond the scope of judicial authority is not a sufficient

allegation to survive the pleading requirements set forth in *Bell Atl. Corp v. Twombly,* 550 US 544, 567 (2007) (conclusory allegations that do not "raise a right to relief above the speculative level."). Accordingly, the motions to dismiss filed by Judges Dunn-Gyllenborg and Jayaram are GRANTED. (Docs. 60,61).

Anita Martin Pro se Motion to Dismiss (Doc. 69).

Anita Martin has filed a pro se motion to dismiss stating that she has not been properly served. (Doc. 69). Anita Martin is the ex-wife of James Martin. Martin has not filed proof of service and James Martin has not responded to the motion to dismiss filed by Anita Martin. Accordingly, the motion to dismiss filed by Anita Martin is hereby GRANTED.

Motion for Leave to File Amended Complaint. (Doc. 40) and Motion to Strike Plaintiff's Motion for Leave to File Third Amended Complaint (Doc. 71).

Plaintiff has filed a motion for leave to file a [Third] Amended Complaint. (Doc. 40). Plaintiff has also filed a pro se Notice of Filing motion for Leave to File Third Amended Complaint. (Doc. 66). The various defendants have requested in their motions to dismiss that further amendments to the complaint should not be permitted as any amendments would be futile. More specifically, the Kansas judges have filed a motion to strike Plaintiff's motion for leave to file a Third Amended Complaint.

Plaintiff has already amended his pleading twice and has failed to cure the defects in his claims. Despite being afforded multiple opportunities, he has not stated a plausible claim for relief under any

theory of recovery. His pro se status does not entitle him to unlimited amendments. *See Soliman v. Johanns,* 412 F.3d 920, 922 (8th Cir. 2005) ("[P]ro se parties are not excused from complying with procedural and substantive law"); *Turner v. ILG Techs., LLC,* 2023 WL 3553133, at *3 (W.D. Mo. May 18, 2023) (plaintiff's pro se status does not entitle her to "multiple bites at the apple"). Where, as here, further amendment would be futile and unduly prejudicial, dismissal with prejudice is warranted. *See Corbett v. Bank of Am., N.A.,* 578 F. App'x 607, 608 (8th Cir. 2014). In light of this ruling, the Kansas judges' motion to strike is DENIED as moot. (Doc. 71).

Other Pending Motions Filed by Plaintiff.

There are other pending motions filed by plaintiff: (1) motion for reconsideration of order on motion to seal document (Doc.22); (2) pro se motion to unseal documents (Doc. 26);(3) ex parte motion to restrict communications and prevent ex parte contact (Doc. 27); (4) motion for entry of corrected qualified domestic relations order (Doc. 31); (5) motion to dismiss RICO claims without prejudice and (Doc. 74); (6) motion to withdraw document (Doc. 75). In light of the above, these motions are dismissed as moot. (Docs. 22, 26, 27, 31, 74, 75).

Based on the foregoing, it is hereby

ORDERED that Defendant Lewanna Bell-Lloyd's Motion to Dismiss Plaintiff's Complaint is hereby GRANTED. (Doc. 13). It is further

ORDERED that Defendant Colin M. Quinn's Motion to Dismiss Plaintiff's Second Amended Complaint is hereby GRANTED. (Doc. 15). It is further

ORDERED that Defendant the NFL Player Disability & Survivor Benefit Plan, The Bert Bell/Pete Rozelle NFL Player Retirement Plan, Michael B. Miller, Gabriella Brown, and Tammy Parrott's Motion to Dismiss Plaintiff's First and Second Amended Complaints is GRANTED. (Doc. 17). It is further

ORDERED that Plaintiff's Pro Se Motion for reconsideration on Order on Motion to Seal Document is DENIED (Doc. 22). It is further

ORDERED that Plaintiff's Pro Se Motion for partial dismissal with prejudice based on settlement is DENIED. (Doc. 29). It is further

ORDERED that Defendants Leonard Math and Mary Wyatt's Motion to Dismiss is GRANTED. (Doc. 35). It is further

ORDERED that Plaintiff's pro se motion for leave to amend complaint (Doc. 40) is DENIED. It is further

ORDERED that Defendant Dunn-Gyllenborg's motion to dismiss is GRANTED. (Doc. 60). It is further

ORDERED that Defendant Jayaram's motion to dismiss is GRANTED (Doc. 61). It is further

ORDERED that Defendant Anita Martin's pro se motion to dismiss is GRANTED (Doc. 69). If is further

ORDERED that Defendant Bell Lloyd's motion to strike is DENIED (Doc. 70). It is further

ORDERED Defendant Dunn-Gyllenborg's motion to Strike plaintiff's motion for Leave to Filed Third Amended Petition is DENIED. (Doc. 71). It is further

ORDERED that the following motions are DENIED as moot. (Docs.22, 26,27,31, 74, 75). It is further

ORDERED that all claims asserted in this case are hereby DISMISSED. It is further

ORDERED that the Clerk of the Court mail a copy of this order by regular mail and certified mail, return receipt to plaintiff at: 1425 East 76 Terrace, Kansas City, Mo. 64131.

/s/ Howard F. Sachs
United States District Judge

Dated: August 8, 2025
Kansas City, Missouri

ORDER DENYING PETITION FOR REHEARING EN BANC, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT (JULY 15, 2026)

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHRISTOPHER MARTIN,

Appellant,

v.

NFL DISABILITY PLAN, ET AL.,

Appellees.

No. 25-2984

Appeal from U.S. District Court for the
Western District of Missouri - Kansas City
(4:25-cv-00100-HFS)

ORDER

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

July 15, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

RELEVANT STATUTORY PROVISION

29 U.S.C. § 1133
Claims procedure

In accordance with regulations of the Secretary, every employee benefit plan shall—

(1) provide adequate notice in writing to any participant or beneficiary whose claim for benefits under the plan has been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the participant, and

(2) afford a reasonable opportunity to any participant whose claim for benefits has been denied for a full and fair review by the appropriate named fiduciary of the decision denying the claim.

BERT BELL/PETE ROZELLE NFL PLAYER RETIREMENT PLAN, SECTIONS 5.7 AND 11.7

BERT BELL/PETE ROZELLE NFL PLAYER RETIREMENT PLAN AMENDED AND RESTATED AS OF APRIL 1, 2007

Section 5.7. Tolling

This 42-month limitation period will not include any period of time that the Disability Initial Claims Committee or the Board finds you to have been mentally or physically incapacitated in a manner that substantially interfered with the filing of your claim.

Section 11.7 - Limitation on Actions

(a) Adverse Benefit Determinations. No suit or legal action with respect to an adverse benefit determination may be commenced more than 42 months from the date of the final decision on the claim for benefits (including the decision on review).

(b) Other Actions. Except as provided in Section 11.7(a), no action alleging an omission, violation, or breach of any responsibility, duty, or obligation imposed by this Plan (or any internal rule, guideline, or protocol) or any applicable law may be commenced after the earlier of six years after the date of the omission, violation, or breach, or three years after the earliest date on which the plaintiff had actual or constructive knowledge of

the omission, violation, or breach, except as provided in ERISA section 413.

ATHLETE LONGITUDINAL EVIDENCE TRANSLATION FRAMEWORK (ALETF)

Purpose and status. ALETF was developed from the longitudinal study of Christopher Martin's medical, occupational, administrative, and disability history, with substantial input from Dr. Yolanda Thompson-Martin. It is offered as an organizational methodology and illustration. It is not represented as an independently validated medical diagnostic instrument, a substitute for ERISA, or an existing rule of federal law.

Tier I - Employer and Plan Baseline Evidence

Contemporaneous employer, Plan-neutral, occupational, team medical, and workers' compensation evidence. Function: identify original injuries, occupational exposure, functional restrictions, and the baseline medical picture.

Tier II - Independent Longitudinal Evidence

Later diagnostic imaging, specialist examinations, academic evaluations, and independent clinical evidence. Function: test, confirm, refine, or contradict the earlier baseline and document progression over time.

Tier III - Governmental Administrative Reconstruction

Later governmental disability adjudications and associated expert findings. Function: synthesize accumulated evidence and, where authorized by the governing program, determine disability and retrospective onset.

Core Translation Principle

Evidence generated at different times and by different institutions may be longitudinally connected without having identical legal effect. ALETF separates evidentiary relevance from legal control: later evidence may illuminate an earlier condition, but the governing statute, plan terms, standard of review, and procedural posture determine its legal weight.

Application Beyond Professional Sports

The organizational problem illustrated by ALETF can arise in any long-duration disability claim involving progressive disease or cognitive impairment, including claims by workers whose conditions affect memory, executive function, comprehension, or the ability to navigate administrative procedures.