

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-16573
Non-Argument Calendar

D.C. Docket No. 5:10-cv-00120-RS-CJK

JOSHUA S. FRIEBEL,
Husband,
ELIZABETH F. FRIEBEL,
and Wife,

Plaintiffs-Appellants,

versus

PARADISE SHORES OF BAY COUNTY LLC,
a Florida Limited Liability Company,

Defendant-Cross Claimant-Cross Defendant,

ROBERT E. BLACKERBY,
an Individual,
MAGNUM CAPITAL LLC,
a Florida Limited Liability Company,
MH 1 LIMITED LIABILITY COMPANY,
a Florida Limited Liability Company,

Defendants-Cross Defendants-Cross Claimants-Appellees,

DURDEN ENTERPRISES II INC.,

a Delaware Corporation, et al.,

Defendants-Cross Defendants,

MICHAEL EARL DURDEN,
as Personal Representative of the
Estate of Kedrick Earl Durden,

Defendant.

Appeal from the United States District Court
for the Northern District of Florida

(May 28, 2014)

Before WILSON, ANDERSON, and EDMONDSON, Circuit Judges.

PER CURIAM:

Joshua Friebe and Elizabeth Friebe appeal, pro se, the district court's denial of their Federal Rule of Civil Procedure 60(b) motion for relief from a judgment enforcing their settlement agreement with three defendants, in which the Friebe were alleged to have agreed to pay the defendants \$100,000. Based on the record, the district court did not err by denying the 60(b) motion: the Friebe failed to

show that their repeatedly omitting (in the face of court directions) to respond to the defendants' motion to enforce the settlement agreement was due to mistake, inadvertence, surprise, or excusable neglect. On appeal, they also have failed to advance an argument that they have a meritorious defense to the motion that is likely to prevail. No abuse of discretion has been shown. For background, see *In re Worldwide Web Systems, Inc.*, 328 F.3d 1291 (11th Cir. 2003). Moreover, on the recusal-sua-sponte issue, the district judge did not err: because the record shows no evidence of pervasive bias. See *Hamm v. Members of Bd. of Regents of State of Fla.*, 708 F.2d 647, 651 (11th Cir. 1983).

AFFIRMED.