IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED
March 8, 2019

Lyle W. Cayce
Clerk

No. 18-60511
Summary Calendar

CHARLES D. COLLINS,

Plaintiff - Appellant

v.

JACKSON PUBLIC SCHOOL DISTRICT,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:12-CV-273

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Charles Collins ("Collins"), then pro se, sued the Jackson Public School District (the "School District") in April of 2012 contending, among other things, that the School District retaliated against him for making complaints that the School District violated Title IX in its female athletic programs. In September of 2014, the district court entered a final judgment granting the School

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

District's motion for summary judgment as to the federal claims and dismissing without prejudice the supplemental state law claims. *Collins v. Jackson Pub. Sch. Dist.*, 58 F. Supp. 3d 705, 715 (S.D. Miss. 2014). Collins unsuccessfully appealed to our court. *Collins v. Jackson Public Sch. Dist.*, 609 F. App'x 792, 796 (5th Cir. 2015).

As required by our rules, Collins filed record excerpts containing the district court docket sheet which showed Docket Entry No. 69, consisting of a memorandum in support of the motion for summary judgment and 13 numbered exhibits. In his briefing to our court in that appeal, he stated that, in support of its motion, the School District "only included a transcript of Collins' deposition. . . . [The School District's] memorandum of law and its supporting exhibits were not attached." In so stating, however, he cited to the portions of Docket Entry No. 69 that contained the memorandum of law and other exhibits. Further, he made no claim that this alleged absence of attachments affected his work in the district court or on appeal.

Four months after losing the appeal, Collins, now represented by counsel, filed a motion to vacate in the district court, citing Federal Rule of Civil Procedure 60(b)(6) and claiming that the alleged absence of the School District's memorandum of law and most of the exhibits prevented Collins from having a "full and fair opportunity to respond" to the motion for summary judgment. The motion claimed that Collins "never knew" the School District's Memorandum of Law, "existed," even though the motion for summary judgment specifically mentioned it, and his brief on appeal cited it. The motion contended that the alleged absence was caused by fraud: "The integrity of the judicial process has been fraudulently subverted by a deliberately planned scheme in a manner involving far more than an injury to Collins." The district court denied the motion to vacate in August of 2016. No appeal was filed of that ruling.

Nonetheless, some seventeen months later, Collins (still represented by the same counsel) again filed a motion to set aside the judgment, this time purporting to rely upon Federal Rule of Civil Procedure 60(d)(3), claiming fraud on the court. Despite having not a shred of evidence of any nefarious conduct, he accused unnamed "court personnel" of knowingly engaging in a scheme of fraud to hide the memorandum of law and most of the attached exhibits from him. Not satisfied with accusing court personnel of fraud, he also sought to recuse the district judge, claiming that Collins could not get a fair hearing because "[t]he judge is . . . the person responsible for and who supervise[s] court personnel."

The district court denied both motions. This appeal followed.

The standard for relief many years after an alleged fraud is, understandably, a high one, particularly when a party knew of the allegedly missing documents at the time of his original appeal to this court and where he failed to appeal an adverse ruling on virtually the same claims more than a year before. *See, e.g., Haskett v. W. Land Servs.*, No. 17-41223, 2019 U.S. App. LEXIS 4322 *7 (5th Cir. Feb. 13, 2019) (not designated for publication). We conclude that Collins has fallen far short of even raising a fact issue to support his highly-charged claims against the court personnel and corresponding request to recuse the district judge. We affirm the district court's rulings on the motion to vacate and the motion to recuse.

Collins has lost his case. His continued efforts to blame that outcome on court personnel and the district judge are unsupported and meritless. Collins is cautioned that further relitigation of these same issues could lead to sanctions under Federal Rule of Appellate Procedure 38. *Carmon v. Lubrizol Corp.*, 17 F.3d 791, 795 (5th Cir. 1994).

AFFIRMED.