

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Emem Ufot Udoh,

Case No. 21-cv-0099 (WMW/LIB)

Plaintiff,

**ORDER**

v.

Vicki Janssen and Paul Schnell,

Defendants.

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Before the Court are Plaintiff Emem Ufot Udoh's motions to amend the judgment and grant a new trial, (Dkt. 130, 131); petition for review of a February 8, 2022 Minnesota Court of Appeals decision, (Dkt. 134); and application to proceed in district court without prepaying fees or costs, (Dkt. 135). For the reasons addressed below, Udoh's motions are denied.

**BACKGROUND**

On January 11, 2021, Udoh commenced this lawsuit against Defendants Vicki Janssen and Paul Schnell, who work for the Minnesota Department of Corrections. Udoh's allegations pertain to his detention at the Minnesota Correctional Facility – Rush City. Udoh filed an amended complaint on April 2, 2021, alleging that Defendants failed to provide him with meaningful access to the courts. On October 15, 2021, United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation (R&R) recommending that this Court grant Janssen and Schnell's motion to dismiss and deny Udoh's motion for injunctive relief. On February 15, 2022, the Court adopted the R&R as

modified, granted Janssen and Schnell's motion to dismiss, and denied Udoh's motion for injunctive relief. The Court entered judgment on February 16, 2022. Udoh now moves this Court to amend the judgment and grant a new trial and petitions the Court to review a February 8, 2022 Minnesota Court of Appeals decision. The Court addresses Udoh's requests in turn.

## ANALYSIS

### **I. Udoh's Motion to Amend the Judgment and Grant a New Trial**

Udoh moves this Court to amend its judgment pursuant to Federal Rule of Civil Procedure 52(b) and grant a new trial pursuant to Federal Rule of Civil Procedure 59. Rule 52(b) provides that, within 28 days after the entry of judgment, a party may move the court to "amend its findings—or make additional findings—and may amend the judgment accordingly." Fed. R. Civ. P. 52(b). "Rule 52(b) applies to 'an action tried on the facts without a jury' in which the district court makes findings of fact." *Stewart v. Norcold, Inc.*, 24 F.4th 1183, 1185 (8th Cir. 2022) (quoting Fed. R. Civ. P. 52(a)(1)). Rule 59 is similarly predicated on a trial having occurred and provides that the "court may, on motion, grant a new trial on all or some of the issues—and to any party— . . . after a jury trial . . . or . . . after a nonjury trial." Fed. R. Civ. P. 59(a). Here, no trial occurred. Because the Court cannot grant Udoh relief pursuant to Rule 52(b) and Rule 59, the Court denies Udoh's motion brought under those rules.

## II. Udoh's Petition for Review of a Minnesota Court of Appeals Decision

Udoh petitions this Court to review a February 8, 2022 order opinion issued by the Minnesota Court of Appeals. *Udoh v. Minn. Dep't of Corrs.*, No. A21-1041 (Minn. Ct. App. Feb. 8, 2022). A federal court lacks subject-matter jurisdiction to exercise appellate review of a state court decision. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 476 (1983). Here, the Minnesota Court of Appeals issued an order opinion and this Court lacks jurisdiction to exercise appellate review of that order opinion. For this reason, the Court denies Udoh's petition for review of the February 8, 2022 Minnesota Court of Appeals order opinion.

### ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Emem Ufot Udoh's motions to amend the judgment and grant a new trial, (Dkts. 130, 131), are **DENIED**.
2. Plaintiff Emem Ufot Udoh's petition for review of a February 8, 2022 Minnesota Court of Appeals decision, (Dkt. 134), is **DENIED**.
3. Plaintiff Emem Ufot Udoh's application to proceed in district court without prepaying fees or costs, (Dkt. 135), is **DENIED AS MOOT**.

Dated: May 9, 2022

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge