[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-11067
Non-Argument Calendar

D.C. Docket No. 1:11-cv-01923-TWT

WILLIAM M. WINDSOR,

Plaintiff-Appellant,

versus

JAMES N. HATTEN,
ANNIVA SANDERS,
J. WHITE,
B. GUTTING,
MARGARET CALLIER, et al.,

Defendants-Appellees.

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

(January 3, 2019)

Before TJOFLAT, WILLIAM PRYOR and GRANT, Circuit Judges.

PER CURIAM:

William Windsor, proceeding *pro se*, appeals the District Court's partial denial of his motion to modify an injunction originally issued against him in 2011. On appeal, he argues first that the District Court denied him due process in issuing the original injunction and that the injunction was invalid, lacked a factual basis, and was overbroad. Second, he contends that the District Court erred in refusing to modify the injunction such that: (1) it is clear that he does not require approval to file an appeal in any case; (2) it does not apply to state court filings; and (3) the $50,000 bond requirement is eliminated entirely. For the reasons below, we affirm.

I.

Rule 4 of the Federal Rules of Appellate Procedure provides that "[i]n a civil case, . . . the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from." Fed. R. App. P. 4(a)(1)(A). Further, "the timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214, 1275 S. Ct. 2360, 2366 (2007). The injunction at the center of this case was issued on July 15, 2011, and Windsor initially appealed from that order. The appeal, however, was later dismissed for lack of prosecution. Windsor here attempts to resurrect *that*

appeal in an appeal from the District Court's more recently issued modification order, but under Rule 4 we have no jurisdiction to entertain that challenge.

II.

We do, however, have jurisdiction to review the District Court's partial denial of Windsor's modification motion. The denial of a motion for modification of an injunction is reviewable for abuse of discretion. *Epic Metals Corp. v. Souliere*, 181 F.3d 1280, 1283 (11th Cir. 1999).

Rule 60 of the Federal Rules of Civil Procedure provides that "[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding . . . [if] applying it prospectively is no longer equitable." Fed. R. Civ. P. 60(b)(5). In practice, this means that "[b]efore exercising its power to modify, a court must be convinced by the party seeking relief that existing conditions differ so substantially from those which precipitated the decree as to warrant judicial adjustment." *Hodge v. Dep't of Hous. & Urban Dev.*, 862 F.2d 859, 862 (11th Cir. 1989) (per curiam). But "Rule 60(b)(5) may not be used to challenge the legal conclusions on which a prior judgment or order rests." *Horne v. Flores*, 557 U.S. 433, 447, 129 S. Ct. 2579, 2593 (2009). If a party carries its burden of showing "a significant change either in factual conditions or in law" that makes the order "detrimental to the public interest," a court abuses its discretion "when it refuses to modify an injunction . . . in light of

such changes." *Id.* (first quoting *Rufo v. Inmates of Suffolk Cty. Jail*, 502 U.S. 367, 384, 112 S. Ct. 748, 760 (1992); then quoting *id.*; and then quoting *Agostini v. Felton*, 521 U.S. 203, 215, 117 S. Ct. 1997, 2006 (1997)).

Windsor has not identified any factual or legal changes since the District Court issued the 2011 injunction, much less changes that render its continued enforcement "detrimental to the public interest" or otherwise inequitable. Instead, Windsor advances arguments against the 2011 injunction itself—arguments that he should have pursued in his earlier, abandoned appeal.

III.

For the foregoing reasons, we hold that the District Court did not abuse its discretion in refusing to grant all of Windsor's requested modifications.

AFFIRMED.