

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13236

Non-Argument Calendar

LARRY D. SIMPSON,

Plaintiff-Appellant,

versus

U.S. VETERANS ADMINISTRATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:21-cv-00313-JB-MU

Before WILSON, JORDAN, and LAGOA, Circuit Judges.

PER CURIAM:

Larry D. Simpson, proceeding *pro se*, appeals the district court's denial of his Federal Rule of Civil Procedure 60(b) motion for relief from its previous order dismissing his *pro se* complaint for lack of subject-matter jurisdiction. Mr. Simpson filed his complaint pursuant to 42 U.S.C. §§ 1983, 1985, and 1986. He alleged that the United States Department of Veterans Affairs violated his rights to due process and equal protection by replacing him as the V.A. fiduciary of veteran Lee Pace Ocie's benefits. The district court dismissed the complaint for lack of subject-matter jurisdiction, and we affirmed that dismissal. *See Simpson v. U.S. Veterans Affairs Admin.*, No. 22-10636, D.E. 17 (11th Cir. Nov. 29, 2022).

On appeal, Mr. Simpson argues that the district court abused its discretion in denying his Rule 60(b)(6) motion because it failed to consider the merits of his complaint and because the Veterans Judicial Review Act ("VJRA"), 38 U.S.C. § 511(a), does not apply to him or his claims. We affirm.¹

I

We generally review the denial of a Rule 60(b) motion for an abuse of discretion. *See Lambrix v. Sec'y, Fla. Dep't of Corr.*, 851

¹ The record below is unclear as to the veteran's name, which is some variation of "Lee Paceocie," "Lee Pace Ocie," or "Ocie Lee Pace." Because the district court and the government refer to the veteran as "Mr. Pace," we do too.

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F.3d 1158, 1170 (11th Cir. 2017). Our review “is narrow in scope, addressing only the propriety of the denial or grant of relief and does not raise issues in the underlying judgment for review.” *Am. Bankers Ins. Co. of Fla. v. Northwestern Nat’l Ins. Co.*, 198 F.3d 1332, 1338 (11th Cir. 1999). A district court abuses its discretion when it “applies an incorrect legal standard, applies the law in an unreasonable or incorrect manner, follows improper procedures in making a determination, or makes findings of fact that are clearly erroneous.” *Diveroli v. United States*, 803 F.3d 1258, 1262 (11th Cir. 2015) (quotation marks omitted).

II

Mr. Simpson relies upon Federal Rule of Civil Procedure 60(b)(6), known as “the catchall provision” of Rule 60, which authorizes relief for “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(6). Relief under this clause “is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances,” and a demonstration that, “absent such relief, an extreme and unexpected hardship will result.” *Griffin v. Swim-Tech Corp.*, 722 F.2d 677, 680 (11th Cir. 1984) (quotation marks omitted).

The district court did not abuse its discretion in denying Mr. Simpson’s Rule 60(b) motion. Mr. Simpson has not set forth a sufficient basis to justify extraordinary relief. Though Mr. Simpson asserts that the VJRA does not apply to him, we disagree and have previously concluded that it does indeed apply to his claims. Additionally, Mr. Simpson’s assertions of “trickery, mis-statement of fact and law and reversible error” are conclusory, and he has not

offered any factual or legal basis to support such assertions. Lastly, Mr. Simpson has not argued or otherwise asserted why any other Rule 60(b) provisions would warrant relief from the district court's previously-affirmed order dismissing the complaint for lack of subject-matter jurisdiction.

III

The district court did not abuse its discretion in denying Mr. Simpson's Rule 60(b)(6) motion for relief.

AFFIRMED.