

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12307
Non-Argument Calendar

SALEEM D. WILLIAMS,

Plaintiff-Appellant,

versus

GOVERNOR OF GEORGIA, et al.,

Defendants,

OFFICER DIXON,

Mailroom Officer, Hancock State Prison,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 7:21-cv-00150-WLS-ALS

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

Saleem Williams, a Georgia prisoner proceeding *pro se*, sued Shontrelle Dixon, a prison official, under 42 U.S.C. § 1983, claiming that she violated his First Amendment right to access the courts. More than 28 days after the district court granted summary judgment to Dixon and entered its final judgment, Williams filed post-judgment motions under Federal Rules of Civil Procedure 59(e) and 60(b), which the district court denied. Williams appeals.

On appeal, he primarily challenges the district court's summary judgment ruling. But we lack jurisdiction to review the summary judgment ruling because he failed to appeal it in time. So, we dismiss the appeal as it relates to the summary judgment ruling. But Williams raises one other issue on appeal that is properly before us: whether the district court erred in denying his Federal Rule of Civil Procedure 60(b) motion. Because the district court did not abuse its discretion in denying the motion, however, we affirm the denial.

I.

Williams was convicted in Georgia state court of crimes including kidnapping and rape, and he is currently serving a life sentence. After his conviction became final, he filed a petition for a writ of habeas corpus in state court. The state court held an evidentiary hearing and denied the petition.

Williams then sought appellate review of the decision denying his petition. He filed an application for a certificate of probable cause with the Georgia Supreme Court. *See* O.C.G.A. § 9-14-52(a) (stating that in Georgia there is no appeal from a decision adverse

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to a habeas petitioner “unless the Supreme Court of this state issues a certificate of probable cause for the appeal”). The Georgia Supreme Court must issue a certificate of probable cause when it concludes that the applicant raises an issue of “arguable merit.” Ga. Sup. Court R. 36(1); see *Redmon v. Johnson*, 809 S.E.2d 468, 470 (Ga. 2018) (explaining that arguable merit means that the prisoner “has a fair probability of ultimately prevailing in his case by obtaining habeas relief”). The Georgia Supreme Court reviewed Williams’s application for a certificate of probable cause. On March 15, 2021, it denied his application. It mailed the decision to Hancock State Prison, where he was incarcerated.

Dixon, the mailroom officer at Hancock State Prison, was responsible for making sure that prisoners “receive legal mail addressed to them and can send out legal mail.” Doc. 115-1 at 1.¹ As part of her responsibilities, she maintained a logbook that recorded when the prison received incoming legal mail for a prisoner and when the mail was delivered to the prisoner. In her role as mailroom officer, however, she did not open prisoners’ legal mail.

According to the logbook, on March 21, the prison received legal mail for Williams from the Georgia Supreme Court and delivered it to him on the same day. But according to Williams, he did not receive the mail until March 22.

¹ “Doc.” numbers refer to the district court’s docket entries.

Upon receiving the Georgia Supreme Court’s decision, Williams prepared a motion for reconsideration. He delivered the motion to Dixon for mailing on March 24. The Georgia Supreme Court denied the motion for reconsideration as untimely because it did not receive the motion within ten days of its decision. *See* Ga. Sup. Ct. R. 27(2) (stating that a “motion for reconsideration . . . must be received by the Court via the Clerk’s Office or electronically filed within ten days from the date of the ruling”).

Williams, proceeding *pro se*, sued Dixon in federal court.² He brought a claim under 42 U.S.C. § 1983, alleging that her handling of his mail deprived him of his First Amendment right to access the courts. He alleged that Dixon’s actions caused the Georgia Supreme Court to deny his motion for reconsideration as untimely.

Dixon moved for summary judgment. A magistrate judge recommended that the district court grant the motion. The magistrate judge explained that to establish a denial of the right of access to the courts, a plaintiff must show, among other things, that he “suffered an actual injury.” Doc. 118 at 6. To establish an actual injury, “the prison officials’ actions which allegedly infringed an inmate’s right of access to the courts must have frustrated or impeded the inmate’s efforts to pursue a nonfrivolous legal claim.” *Id.* (citation modified).

² Williams initially named other individuals as defendants, including Governor Brian Kemp. The district court dismissed without prejudice the claims against the other defendants. The issues on appeal concern only Williams’s claim against Dixon.

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The magistrate judge considered whether Williams suffered an actual injury for purposes of his access-to-the-courts claim. The magistrate judge explained that the undisputed facts showed that Williams “was denied, at most, the ability to file a timely discretionary motion for reconsideration.” *Id.* at 7. And by the time Williams filed this motion, his habeas claims already had been “addressed in state court evidentiary hearings” and “decided by the state court” that denied the petition. *Id.* Given these undisputed facts, the magistrate judge concluded that Williams failed to show an actual injury.

The magistrate judge also determined that Dixon was entitled to summary judgment on an alternative ground. He explained that to prevail on an access-to-the-courts claim, Williams also needed to show that Dixon “intentionally interfered with his legal mail.” *Id.* at 7–8. The magistrate judge determined that the undisputed evidence in the record showed that Dixon did not “intentionally interfere with the filing of [Williams’s] motion for reconsideration.” *Id.* at 8.

Williams objected to the recommendation. On September 30, 2024, the district court overruled the objections, adopted the magistrate judge’s recommendation, and granted the summary judgment motion. On the same day, the clerk issued a final judgment.

Williams prepared a motion under Federal Rule of Civil Procedure 59(e) in which he challenged the district court’s grant of summary judgment. He delivered the motion to prison officials for

mailing on October 29—29 days after the clerk entered judgment. The district court received the motion on November 6.

Williams also prepared a motion under Federal Rule of Civil Procedure 60. He argued that the court should vacate its judgment under Rule 60(b)(1) because the court had made a mistake earlier in the case when it extended the deadline for discovery. He also argued that the court should vacate the judgment under Rule 60(b)(3) based on a fraud on the court, asserting that Dixon had “lied” during a prison administrative hearing. Doc. 126 at 2. He delivered this motion to prison officials for mailing on November 4—35 days after the clerk entered judgment. The district court received this motion on November 15.³

On June 2, 2025, the district court denied Williams’s post-judgment motions. As an initial matter, the court determined that the Rule 59(e) motion was untimely. It explained that a party had to file a Rule 59(e) motion within 28 days after the clerk entered judgment. Because Williams did not deliver the motion to prison officials for mailing within this period, the court found that the motion was filed too late.

But even if the motion had been timely, the court concluded, the motion did “not provide any basis on which the Court

³ After filing the post-judgment motions, Williams submitted a notice of appeal, stating that he was appealing the district court’s September 30 judgment. He delivered this notice to prison officials on November 8, which was more than 30 days after the district court entered the final judgment. We dismissed the appeal for want of prosecution.

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should alter or amend its decision.” Doc. 143 at 5. The court similarly concluded that Williams’s Rule 60 motion failed on the merits.

Williams filed a notice of appeal, which the district court received on July 7, 2025. In the notice, he stated that he was appealing from the order denying his post-judgment motions.

II.

On appeal, Williams primarily argues that the district court erred in granting summary judgment to Dixon. We lack jurisdiction to consider this issue because Williams failed to file a timely appeal of the district court’s judgment.

The timely filing of a notice of appeal in a civil case is a jurisdictional requirement, and we cannot entertain an appeal that is out of time. *Green v. Drug Enf’t Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010). In general, a party must file a notice of appeal “within 30 days after the judgment or order appealed from.” Fed. R. App. P. 4(a)(1)(A). Here, Williams’s appeal is too late to challenge the district court’s summary judgment decision because the district court entered its final judgment on September 30, 2024, and Williams did not file his notice of appeal until approximately nine months later.

It is true that the filing of certain motions can toll the time for filing a notice of appeal. See Fed. R. App. P. 4(a)(4)(A); *Green*, 606 F.3d at 1300. But the filing of a post-judgment motion to alter or amend judgment under Rule 59(e) or for relief from a judgment under Rule 60(b) tolls the deadline for an appeal only when the

post-judgment motion was filed within 28 days of the entry of judgment. Fed. R. App. P. 4(a)(4)(A)(iv), (vi); Fed. R. Civ. P. 59(e).

Rule 4(a)(4) does not help Williams. Although he filed Rule 59(e) and Rule 60(b) motions, he did not file either motion within 28 days of the district court's entry of final judgment. The district court entered the final judgment on September 30, 2024. But Williams did not file his Rule 59(e) motion until October 29 and his Rule 60(b) motion until November 4.⁴ Because both motions were filed more than 28 days after the entry of judgment, Rule 4(a)(4) does not apply.

Because Williams did not file a notice of appeal within 30 days of the district court's judgment, and the deadline for filing the notice of appeal was not tolled by the filing of a timely post-judgment motion, Williams's appeal of the summary judgment ruling is untimely. Accordingly, we dismiss this portion of the appeal.

III.

We do have jurisdiction, though, to review the portion of Williams's appeal seeking review of the district court's order denying his Rule 59(e) and Rule 60 post-judgment motions. On appeal,

⁴ We deem each motion filed on the date when Williams delivered it to prison authorities for mailing. See *Houston v. Lack*, 487 U.S. 266, 276 (1988). And we discern the date when he delivered each motion to prison officials for mailing from the certificate of service he attached to each motion.

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he raises one issue. He argues that the district court erred in denying his Rule 60(b) motion because the judgment was procured by fraud.⁵

Rule 60(b) allows a litigant to challenge by motion the validity of a final order or final judgment. Under Rule 60(b)(3), a district court may “relieve a party” from a final judgment if it was procured by “fraud . . . misrepresentation, or misconduct by an opposing party.” To be entitled to relief, a movant must “prove by clear and convincing evidence that the adverse party obtained the verdict through fraud, misrepresentations, or other misconduct” and must also “demonstrate that the conduct prevented [him] from fully presenting his case.” *Waddell v. Hendry Cnty. Sheriff’s Off.*, 329 F.3d 1300, 1309 (11th Cir. 2003). We review the denial of a Rule 60 motion for abuse of discretion. *Bainbridge v. Governor of Fla.*, 75 F.4th 1326, 1332 (11th Cir. 2023).

After carefully considering the record before us, we cannot say that the district court abused its discretion when it denied Williams’s Rule 60(b) motion seeking to vacate the district court’s judgment based on fraud. He has not established by evidence, much less by clear and convincing evidence, that Dixon obtained

⁵ Although we “read briefs filed by *pro se* litigants liberally, issues not briefed on appeal by a *pro se* litigant are deemed” forfeited. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) *see United States v. Campbell*, 26 F.4th 860, 873 (11th Cir. 2022) (en banc) (holding that issues not properly presented on appeal are deemed forfeited and will not be addressed absent extraordinary circumstances). After liberally construing Williams’s appellate brief, we conclude that he raises only this one issue regarding the denial of his post-judgment motions.

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summary judgment through fraud, misrepresentations, or other misconduct.

AFFIRMED IN PART, DISMISSED IN PART.