

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10626
Non-Argument Calendar

RAZIEL OFER,

Plaintiff-Appellant,

versus

JUDGE LAUREL M. ISICOFF,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:23-cv-21190-JEM

Before LAGOA, ABUDU, and WILSON, Circuit Judges.

PER CURIAM:

Raziel Ofer, *pro se*, appeals the district court's denial of his motion to vacate the dismissal of his 42 U.S.C. § 1983 civil rights

complaint against U.S. Bankruptcy Judge Laurel Isicoff. Ofer argues that the district court erred in denying his Fed. R. Civ. P. 60(b)(4) motion to vacate dismissal because he acted within a reasonable time.

After careful review of the record, we affirm.

I. FACTUAL AND PROCEDURAL HISTORY

On March 24, 2023, Ofer filed a *pro se* complaint under 42 U.S.C. § 1983 against U.S. Bankruptcy Judge Laurel M. Isicoff, alleging various constitutional and property-related violations arising from her handling of Ofer’s Chapter 11 bankruptcy proceedings. In his complaint, Ofer indicated that his email was “raz.of@gmail.com” and agreed that he would be responsible for providing the clerk’s office with “any changes to [his] address where case-related papers may be served.” Ofer also acknowledged that his “failure to keep a current address on file with the Clerk’s Office may result in the dismissal of [his] case.” That same day, Ofer consented to receive notices of electronic filing at the email address he provided.

In October 2023, the district court issued a *sua sponte* order dismissing the complaint with prejudice for failure to state a claim and held that Ofer’s claims against Judge Isicoff were “barred by absolute judicial immunity.”

Over two years later, in February 2026, Ofer filed a motion under Rule 60(b) to vacate the dismissal, arguing that the judgment was void because he never received notice of it. He alleged that

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the clerk had entered an incorrect email address and that his physical address of record had become “ineffectual” when he got sick on a business trip abroad. Ofer also moved to reopen the case so the district court could consider his motion. The district court issued an omnibus order denying both motions with prejudice, explaining that Ofer himself had provided the email address in question and had never updated his physical address of record.

Ofer moved for reconsideration, reasserting his prior arguments and raising several new ones, including that Rule 60(c)(1) is unconstitutional and that the clerk was negligent in failing to verify his email address. Ofer separately moved for abeyance pending resolution of a “jurisdictional question,” and he attached his motion for reconsideration as an exhibit. The district court ultimately denied reconsideration for failure “to assert an intervening change in law, new evidence, or present new arguments as to clear error or manifest injustice,” and it denied the abeyance motion as moot.¹

Ofer filed the present appeal.

II. STANDARD OF REVIEW

We review denial of a Rule 60(b) motion to set aside a judgment for abuse of discretion. *See Maradiaga v. United States*, 679 F.3d 1286, 1291 (11th Cir. 2012). That review is “narrow in scope;”

¹ Because Ofer presents no arguments on appeal concerning the motion to reopen, the motion for reconsideration, or the motion for abeyance, we hold that he has abandoned any challenge to the district court’s dismissal of the same. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008); *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 682–83 (11th Cir. 2014).

we consider “only the propriety of the denial or grant of relief,” not “issues going to the merits of the underlying judgment.” *Am. Bankers Ins. Co. of Fla. v. Nw. Nat’l Ins. Co.*, 198 F.3d 1332, 1338 (11th Cir. 1999). Accordingly, Rule 60(b) “may not be used to challenge mistakes of law that could have been raised directly on appeal,” *id.*, and it “does not extend the time for filing a notice of appeal,” *Gulf Coast Fans, Inc. v. Midwest Elecs. Importers*, 740 F.2d 1499, 1507 (11th Cir. 1984).

When a Rule 60(b)(4) motion is untimely, we do not reach whether the underlying judgment was void, and we do not apply the *de novo* standard that would otherwise govern that question. *See Bainbridge v. Governor of Fla.*, 75 F.4th 1326, 1332 (11th Cir. 2023) (citing *Burke v. Smith*, 252 F.3d 1260, 1263 (11th Cir. 2001)).

Finally, although we construe *pro se* filings liberally, *see Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008), *pro se* parties must still comply with the procedural rules that govern pleadings and appeals, *see McNeil v. United States*, 508 U.S. 106, 113 (1993).

III. ANALYSIS

Here, Ofer argues that the district court erred by denying his Rule 60(b) motion. Ofer contends that he acted diligently once he learned of the dismissal and that the district court’s reliance on incorrect email and physical addresses deprived him of proper notice. He also raises several arguments challenging the underlying dismissal, including that he was entitled to amend under Fed. R. Civ. P. 15(a), that dismissal should have been without prejudice, that

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judicial immunity did not apply, and that his antisemitism claims are valid.

We address each argument in turn.

A. Timeliness of the Rule 60(b)(4) Motion

A motion under Rule 60(b), including one asserting that a judgment is void, “must be made within a reasonable time.” Fed. R. Civ. P. 60(c)(1); see *Coney Island Auto Parts Unlimited, Inc. v. Burton*, 607 U.S. 155, 159, 162 (2026). Reasonableness depends on the circumstances, including “whether the parties have been prejudiced by the delay and whether a good reason has been presented for failing to take action sooner.” *BUC Int’l Corp. v. Int’l Yacht Council Ltd.*, 517 F.3d 1271, 1275 (11th Cir. 2008) (quotation omitted). A litigant who “sleep[s] on [his] rights,” therefore, is not entitled to relief, regardless of the merits of his underlying theory. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 275 (2010). For example, in *Stansell v. Revolutionary Armed Forces of Colom.*, 771 F.3d 713, 737 (11th Cir. 2014), we affirmed the district court’s denial of a Rule 60(b)(4) relief where the movant waited nine months after entry of judgment to seek relief.

Here, we conclude that Ofer did not move within a reasonable time. The district court dismissed his complaint in October 2023 and Ofer did not file his motion until February 2026—two years later. Ofer excuses the delay by arguing that he acted diligently upon learning of the dismissal. But Ofer does not supply a good reason, as the delay was ultimately attributable to his own conduct. Ofer provided the email address the court used and never

corrected it, and he never updated his physical address after going abroad despite his express acknowledgement that failing to do so could result in dismissal. His claims that the clerk was independently negligent for not verifying his email and that his physical address became “ineffectual” do not excuse his own obligation to provide accurate information, and an inability to travel does not equate to an inability to communicate.

Ofer also argues that his business partner initiated the underlying lawsuit without Ofer’s authorization, but that is belied by Ofer’s own signature on both the complaint and the accompanying consent to electronic notice, which were filed on the same day.

Moreover, Judge Isicoff would be prejudiced by reopening a case dismissed more than two years earlier, particularly given Ofer is already litigating overlapping claims against her arising from the same underlying facts in a separate action.² See *BUC Int’l Corp.*, 517 F.3d at 1275; see also *Dowell v. State Farm, Fire & Casualty Auto. Ins. Co.*, 993 F.2d 46, 48 (4th Cir. 1993) (a Rule 60(b) movant must show, among other things, “a lack of unfair prejudice to the opposing party”).

Ofer’s related argument that Rule 60(c)(1) is unconstitutional as applied to a void-judgment motion is foreclosed by the Supreme Court’s decision in *Coney Island Auto Parts Unlimited, Inc. v. Burton*, 607 U.S. 155 (2026), which recognized the reasonable-

² See *Ofer v. Isicoff*, No. 1:23-cv-24783 (S.D. Fla. filed Mar. 24, 2023).

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time requirement and held that it applies to void-judgment motions. *Id.* at 159, 162. Ofer identifies no basis for distinguishing his circumstances from the rule announced there.

We thus conclude that the district court did not err in denying Ofer's Rule 60(b)(4) motion as untimely.

B. Challenges to the Underlying Dismissal

Ofer's remaining arguments all challenge the merits of the district court's October 2023 dismissal. Because our review is narrow and may neither consider the merits of the underlying judgment nor mistakes of law which could have been raised on direct appeal, we conclude that the arguments are not properly before us. *See Am. Bankers*, 198 F.3d at 1338; *Gulf Coast Fans*, 740 F.2d at 1507.

IV. CONCLUSION

For the foregoing reasons, we affirm the district court's order denying Ofer's motion to vacate dismissal under Rule 60(b)(4).

AFFIRMED.