

SO ORDERED.

Dated: February 19, 2026



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Madeleine C. Wanslee
Madeleine C. Wanslee, Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

SHATIA RONISHE FEACHER,

Debtor.

Case No. 2:20-bk-08932-MCW
Chapter 7

**ORDER DENYING
DEBTOR’S MOTION FOR
RELIEF UNDER FEDERAL RULE
OF CIVIL PROCEDURE
60(b)(5) AND 60(b)(6)**

A bankruptcy court may revoke a discharge already granted if the debtor refuses to obey a lawful court order, such as an order to turnover estate funds. 11 U.S.C. § 727(d)(3).¹ The issue here is whether to vacate such a revocation order when the debtor later repays the funds. The Court holds that it cannot restore the discharge because belated compliance with a lawful order does not excuse an earlier failure to surrender estate funds.

Debtor Shatia Ronishe Feacher, through counsel Kenneth Neeley and Neeley Law Firm, PLC, filed a *Motion for Relief Under Federal Rule of Civil Procedure 60(b)(5) and 60(b)(6)* (“Motion”) (Dkt. No. 104) in this administrative case asking to be relieved

¹ Unless otherwise indicated, all chapter and section references are to the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532, “Bankruptcy Rule” references are to the FEDERAL RULES OF BANKRUPTCY PROCEDURE, and “Civil Rule” references are to the FEDERAL RULES OF CIVIL PROCEDURE.

1 from the judgment entered in adversary proceeding no. 2:22-ap-00257-MCW
2 revoking her discharge. Having considered Debtor's Motion, the standards under
3 Federal Rule of Civil Procedure 60(b)(5) and 60(b)(6), as incorporated by Federal
4 Rule of Bankruptcy Procedure 9024, the record, and the applicable law, and good
5 cause appearing, the Court denies the Motion.

6 **I. Background**

7 Debtor received her Chapter 7 Discharge on November 27, 2020.
8 Approximately one year later, on November 16, 2021, the Trustee filed his *Motion to*
9 *Compel Debtor to Turn Over Estate's Pro-Rata Portion of 2020 Federal and State Refunds*
10 (Dkt. No. 28). Shortly afterward, on December 10, 2021, the Court approved the
11 parties' *Stipulation to Entry of Turnover Order* requiring Debtor to repay to the Trustee
12 estate funds of \$2,920.23 no later than May 7, 2022 ("Stipulated Order") (Dkt. Nos.
13 31 and 33). Debtor defaulted and on December 21, 2022 (Dkt. No. 52) the Court
14 entered a *Judgment* revoking Debtor's Discharge for failure to comply with the
15 Stipulated Order ("Judgment").

16 The Stipulated Order required Debtor to timely file her 2021 tax returns, turn
17 over all 2021 tax refunds, and make minimum monthly payments of \$200.00
18 beginning on January 7, 2022. In the case of a default, the Trustee was to provide Mr.
19 Neeley with a notice establishing a ten-day cure period. The Trustee filed a *Notice of*
20 *Debtor's Failure to Cure Default*, stating that Debtor had defaulted and that she was
21 provided the required notice on June 13, 2022 (Dkt. No. 50). The docket further
22 reflects two writs of garnishment along with multiple related papers, as well as an
23 *Order Granting Trustee's Application for Production of Documents Pursuant to F.R.B.P. 2004*
24 (Dkt. No. 77) showing the Trustee's sustained post-judgment collection efforts.

1 The Motion asserts that in “mid-2023, Debtor’s long-term partner, who
2 contributed over half of her household income, abruptly left” and that she “was left
3 in severe financial distress, forcing her to sell her home and restructure her finances.”²

4 The Judgment revoking Debtor’s Discharge under §727(d)(3) was based on her
5 undisputed noncompliance with a valid and enforceable court-ordered payment
6 obligation. The Motion asserts that “because that sum has now been paid in full, the
7 basis for the judgment no longer exists.” Debtor argues that her financial hardship in
8 mid-2023, followed by subsequent repayment, justifies vacating the revocation
9 Judgment and reinstating her Discharge.

10 Relief from a final judgment under Civil Rule 60(b) is an extraordinary remedy,
11 available only upon a showing of exceptional circumstances. *Gonzalez v. Crosby*, 545
12 U.S. 524, 535 (2005). Bankruptcy Rule 9024 incorporates Civil Rule 60, subject to the
13 limitations imposed by the Bankruptcy Code and Bankruptcy Rules. Such
14 extraordinary relief is granted sparingly in the interests of finality and judicial
15 economy. *Latshaw v. Trainer Wortham & Co.*, 452 F.3d 1097, 1103 (9th Cir. 2006).

16 **II. Civil Rule 60(b)(5)**

17 Relief under Civil Rule 60(b)(5) is unwarranted. That rule permits relief where
18 “the judgment has been satisfied, released, or discharged,” or where “applying it
19 prospectively is no longer equitable.” Fed. R. Civ. P. 60(b)(5).

20 The Judgment revoking Debtor’s Discharge addressed completed misconduct:
21 failure to timely comply with the Stipulated Order, including the court-ordered
22 payment obligation. That violation occurred and constituted a legally sufficient basis
23 for revocation. Debtor’s subsequent payment does not render the Judgment
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26 ² The *Declaration of Shatia Ronishe Feacher* attached to the Motion further states “Around the summer of 2023, my long-term partner—who had been contributing more than half of our household income—left me suddenly. This left me in severe financial distress.”

1 “satisfied” within the meaning of Civil Rule 60(b)(5), nor does it undermine the
2 propriety of the Judgment when entered. Civil Rule 60(b)(5) “may not be used to
3 challenge the legal conclusions on which a prior judgment or order rests.” *Horne v.*
4 *Flores*, 557 U.S. 433, 447 (2009).

5 A judgment is “prospective” for purposes of Civil Rule 60(b)(5) only if it is
6 executory or involves ongoing supervision of future conduct. *Maraziti v. Thorpe*, 52
7 F.3d 252, 254 (9th Cir. 1995). A judgment that remedies past misconduct does not
8 become prospective merely because it has continuing consequences. *Id.*; *Twelve John*
9 *Does v. D.C.*, 841 F.2d 1133, 1138 (D.C. Cir. 1988); *FTC v. AH Media Grp., LLC*, 339
10 F.R.D. 612 (N.D.Ca. 2021).

11 Moreover, the equitable grounds cited to justify vacating the Judgment, loss of
12 income in “mid-2023,” are inconsistent with the Stipulated Order’s repayment
13 schedule, which required full payment several months earlier, or “no later than May
14 7, 2022.” This clear temporal disconnect further undermines Debtor’s claim that her
15 default was excusable.

16 A discharge “revocation [is] punitive and not prospective, so it [cannot] be
17 satisfied.” *In re Campbell*, 2022 WL 2913843 (Bankr. N.D. Ohio July 20, 2022). Post-
18 judgment compliance does not retroactively cure a violation or negate sanctions
19 imposed for past noncompliance under the parties’ Stipulated Order. *See Cf. Stone v.*
20 *I.N.S.*, 514 U.S. 386, 401-02 (1995) (Civil Rule 60(b) does not permit a party to undo
21 the consequences of a final judgment by later actions). Debtor’s failure to timely repay
22 estate funds in 2022 deprived her creditors of distributions at that time; payment in
23 2025 does not erase that fact, or the reason for revocation. There is no prospective
24 application of the Judgment because it is not executory in nature, nor does it require
25 future supervision. Civil Rule 60(b)(5) affords no relief.

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1 **III. Civil Rule 60(b)(6)**

2 Relief under Civil Rule 60(b)(6) is likewise unwarranted. Civil Rule 60(b)(6) is
3 reserved for “extraordinary circumstances” and is to be “used sparingly as an
4 equitable remedy to prevent manifest injustice.” *United States v. Alpine Land & Reservoir*
5 *Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993). Judgments “are not often set aside” under
6 this provision. *Latshaw*, 452 F.3d at 1103.

7 Although Debtor attributes her default to financial hardship, courts have held
8 that a party seeking relief from judgment under the catch-all provision of (b)(6) must
9 show that she suffered “from a confluence of a disabling illness *and* a severe lack of
10 financial resources . . . financial hardship alone or a medical problem alone” will not
11 suffice. *Inland Concrete Enters., Inc. v. Kraft*, 318 F.R.D. 383, 414 (C.D. Cal. 2016)
12 (emphasis in original). The Ninth Circuit has repeatedly emphasized that Civil Rule
13 60(b)(6) relief is unavailable where the moving party’s predicament is the result of
14 their own conduct. *Latshaw*, 452 F.3d at 1103. Debtor’s predicament arose from her
15 failure to promptly turn over the tax refunds owed to the estate, and she later
16 worsened the situation by defaulting under the Stipulated Order.

17 Debtor’s belated payment, standing alone, does not negate her prior
18 noncompliance, disturb the Court’s findings supporting revocation, or constitute
19 extraordinary circumstances. Granting relief on this basis would improperly convert
20 after-the-fact compliance into retroactive absolution, undermining both the finality of
21 judgments and the authority of court orders – principles the Ninth Circuit has
22 repeatedly recognized as central to Civil Rule 60(b) analysis. *Gonzalez*, 545 U.S. 535–
23 36. Debtor’s delayed compliance with the Stipulated Order and payment to the
24 Trustee does not constitute the “extraordinary circumstances” required to reinstate a
25 Discharge revoked over three years ago.

1 **IV. Civil Rule 60(c)(1)**

2 Civil Rule 60(c)(1) requires that motions for relief be made within a reasonable
3 time, with specific deadlines for certain grounds not alleged here. The Supreme Court
4 recently clarified that the reasonable-time limit even applies to a motion alleging that
5 a judgment is void for lack of personal jurisdiction under Civil Rule 60(b)(4). *Coney*
6 *Island Auto Parts Unlimited, Inc. v. Burton*, 607 U.S. ___, ___ S.Ct. ___, 2026 WL
7 135998 at *3 (Jan 20, 2026). In other words, a party cannot wait indefinitely to seek
8 vacatur; the motion must be made within a reasonable period after learning of the
9 judgment.

10 Here, three years after Debtor’s Discharge was revoked, she finally repaid the
11 funds that were required to be distributed to creditors in 2022. In the intervening
12 period, the Trustee incurred substantial fees and costs in enforcing the obligation,
13 including garnishment proceedings and a Bankruptcy Rule 2004 examination. The
14 Motion offers no persuasive justification for the delayed payment, relying solely on
15 circumstances that, according to Debtor’s own declaration made under penalty of
16 perjury, arose in 2023 *after* the sanction had already been imposed in 2022.

17 This Court finds and concludes that a motion for Civil Rule 60(b) must not
18 only be filed within a reasonable time after performance,³ but the underlying
19 performance must also occur within a reasonable period for the Court to even
20 consider the motion’s propriety. The central question is not merely whether the
21 motion was filed promptly after eventual performance, but whether the performance
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23 ³ Civil Rule 60(c)(1) requires that any motion for relief be filed within a reasonable time. That requirement
24 most commonly applies where a movant seeks relief shortly after entry of the judgment or order upon
25 discovering new evidence, fraud, misrepresentation, misconduct, or other facts affecting its issuance. When,
26 however, the asserted basis for relief arises from events occurring after entry of the judgment or order, those
events themselves must transpire within a reasonable time in relation to the deadline imposed by the original
obligation. Thus, where any order establishes a specific repayment obligation and deadline, compliance must
occur within a reasonable period thereafter for a Civil Rule 60 motion to be timely. Absent such performance,
the Court is not justified in granting relief from a subsequent order or judgment entered because of the default.

1 itself occurred in a timely manner. Can it reasonably be said that a debtor who
2 complies with a stipulated order five, ten, or even fifteen years later may erase the
3 consequences of years of default simply by filing a Civil Rule 60(b) motion shortly
4 after belated performance? The Court concludes it cannot.

5 This case does not involve a debtor who inadvertently missed a deadline,
6 received notice of the default, and promptly cured it. Rather, Debtor owed funds to
7 the estate, agreed to a valid order establishing a repayment plan to restore those funds,
8 and then did not comply with its terms. As agreed, the Trustee provided notice of
9 default to Debtor's counsel on June 13, 2022. Debtor did not timely cure the default,
10 and, as a result, the Court entered the Judgment on December 12, 2022.

11 The Trustee then devoted approximately two years and significant resources to
12 collection efforts before filing two separate *Trustee's Final Reports* (Dkt. Nos. 81 and
13 90). These efforts included seeking multiple writs of garnishment and obtaining a Rule
14 2004 Order to conduct a Rule 2004 examination. Following the entry of an order
15 allowing fees and costs for the Trustee's counsel, the Trustee filed his *Final Distribution*
16 *Report* (Dkt. No. 98), and the case was closed on March 11, 2025 (Dkt. No. 100).

17 More than three and a half years after Debtor's original default, and eight
18 months after the case closure, Debtor filed her Motion on December 2, 2025. Such
19 delinquent performance is not reasonable under Civil Rule 60(b) nor equitable.
20 Debtor's prolonged default cannot simply be ignored considering the facts of this case.

21 **V. Civil Rule 60(b) Does Not Provide Relief for Belated Compliance**

22 Debtor's Motion cites no caselaw supporting her position. The Court's
23 independent research reveals several factually similar cases, none of which grant relief
24 under Civil Rule 60(b) for belated compliance. *See, e.g., In re Campbell*, No. 20-60290,
25 2022 WL 2913843 (Bankr. N.D. Ohio July 20, 2022); *In re Porter*, No. 13-10004-SAH,
26 2019 WL 364273 (Bankr. W.D.Okla. Jan. 28, 2019); *In re Bench*, 556 B.R. 500 (Bankr.

1 D. Utah 2016); *In re Christensen*, No. 09-20299-PRW, 2015 WL 6125537 (Bankr.
2 W.D.N.Y. Oct. 16, 2015); *Schoenmann v. Chen (In re Chen)*, Adv. No. 07-3108DM,
3 2015 WL 3612992 (Bankr. N.D.Cal. June 8, 2015); and *Kleven v. Mrozinski (In re*
4 *Mrozinski)*, 489 B.R. 818, 823 (Bankr. N.D.Ind. 2013) (court held “that a debtor who
5 has had a discharge revoked or denied due to the failure to obey a court order is not
6 entitled to have the discharge restored, through the use of Rule 60(b)(5), by coming
7 forward with belated compliance”).

8 Courts have also revoked discharges even where repayment occurred before
9 trial, holding that repayment does not erase prior misconduct. *McNally v. Echart (In*
10 *re Echart)*, 374 B.R. 596, 600 (Bankr. E.D.Tex. 2007) (repaying sums converted did
11 not relieve debtors of consequences of their knowing and fraudulent misconduct for
12 “[w]hy should a bankruptcy debtor deal openly and honestly with the bankruptcy
13 system and its trustee if any risk attendant to fraudulent behavior can be easily
14 neutralized merely by returning or replacing the converted asset if the wrongful
15 behavior is discovered?”); *Richardson v. Schoemperlen (In re Schoemperlen)*, 332 B.R. 179,
16 182 (Bankr. C.D.Ill. 2005) (a debtor’s belated compliance with a turnover order on
17 eve of trial did not cure debtor’s original failure to turn over funds or prevent court
18 from revoking his discharge based on that original failure).

19 Although Civil Rule 60(b) “strikes a balance between the need for finality of
20 judgments and the importance of ensuring that litigants have a full and fair
21 opportunity to litigate a dispute,” that balance weighs decisively against relief here.
22 The Judgment has been final and non-appealable for more than 36 months. Debtor
23 was afforded a full and fair opportunity to contest the adversary proceeding and to
24 present any mitigating circumstances before revocation was entered. She choose not
25 to do so.

1 For more than three years, creditors have been entitled to rely on the final
2 Judgment in exercising their lawful collection efforts. To vacate it now would not
3 simply reopen a closed matter; it would unsettle settled expectations, disrupt years of
4 justified reliance, and undermine confidence in the stability of final bankruptcy
5 judgments. The Court will not endorse a framework in which a debtor may ignore a
6 trustee's enforcement efforts, allow a revocation order to become final and non-
7 appealable, and then seek to erase it years after creditors may have acted in good-faith
8 reliance upon that order. Such a result would create confusion, invite collateral
9 disputes, and unfairly expose creditors to allegations of discharge violations for
10 actions arising from their good faith reliance on a valid court order. The reliance
11 interests attached to this three-year-old final Judgment overwhelmingly outweigh
12 Debtor's belated request for relief. Finality in bankruptcy is not a matter of
13 convenience or aspirational, it is essential. Here, it controls and is dispositive.

14 **VI. Conclusion**

15 Debtor has failed to establish grounds for relief under Federal Rule of Civil
16 Procedure 60(b)(5) or 60(b)(6), as made applicable by Federal Rule of Bankruptcy
17 Procedure 9024. The Judgment revoking the Discharge was properly entered based
18 on Debtor's failure to comply with a valid and enforceable court order. Debtor's
19 subsequent, untimely performance does not justify setting that Judgment aside.

20 **IT IS HEREBY ORDERED** that Debtor's *Motion for Relief from Judgment under*
21 *Federal Rule of Civil Procedure 60(b)(5) and 60(b)(6)*, as incorporated by Federal Rule of
22 Bankruptcy Procedure 9024, is **DENIED**.

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25 **DATED AND SIGNED ABOVE**
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