

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**SUMMARY ORDER**

**RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT’S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION “SUMMARY ORDER”). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.**

**At a stated term of the United States Court of Appeals for the Second Circuit,  
held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of  
New York, on the 25<sup>th</sup> day of September, two thousand twenty-six.**

PRESENT:

JOSÉ A. CABRANES,  
GERARD E. LYNCH,  
JOSEPH F. BIANCO,  
*Circuit Judges.*

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RICKY KAMDEM-OUAFFO,

*Plaintiff-Appellant,*

v.

25-1056

BALCHEM CORPORATION, GIDEON OENGA,  
BOB MINIGER, RENEE MCCOMB, THEODORE  
HARRIS, JOHN KUEHNER, TRAVIS LARSEN,  
MICHAEL SESTRICK, JOHN/JANE DOES,

*Defendants-Appellees.*

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FOR PLAINTIFF-APPELLANT:

RICKY KAMDEM-OUAFFO, *pro se*, New  
Brunswick, New Jersey.

FOR DEFENDANTS-APPELLEES:

Mary A. Smith, Jackson Lewis P.C., New  
York, New York.

Appeal from orders of the United States District Court for the Southern District of New York (Philip M. Halpern, *Judge*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the orders of the district court, entered on March 27 and April 9, 2025, are **AFFIRMED**.

This is the first of two appeals from Plaintiff-Appellant Ricky Kamdem-Ouaffo, proceeding *pro se*, appealing from the district court’s post-judgment orders in connection with his employment discrimination lawsuits. The district court originally dismissed the other action (“*Balchem I*”) in 2021 for discovery abuse, and we dismissed the appeal as frivolous. The district court dismissed this action (“*Balchem II*”) in 2022 as duplicative of *Balchem I* and alternatively under the doctrine of res judicata, and it denied Kamdem-Ouaffo’s post-judgment motions for reconsideration and recusal in 2023. We affirmed. *See generally Kamdem-Ouaffo v. Balchem Corp.*, No. 23-458, 2024 WL 1266232 (2d Cir. Mar. 26, 2024) (summary order). Based on the post-judgment motions, the district court required Kamdem-Ouaffo to seek leave to file before making further motions in the closed actions. In 2025, Kamdem-Ouaffo moved for leave to file additional motions for relief from the judgment under Federal Rule of Civil Procedure 60(b) and for recusal, which the district court denied; it also denied him leave to file a motion for reconsideration of that order. Kamdem-Ouaffo appeals those two orders.<sup>1</sup> We assume the parties’ familiarity with the underlying facts, procedural history, and issues on appeal, to which we refer only as necessary to explain our decision to affirm.

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<sup>1</sup> Kamdem-Ouaffo also moves for the disqualification of some Second Circuit judges. That motion is denied because he has failed to state a proper legal basis for disqualification.

We review the denial of a Rule 60(b) motion and the denial of a recusal motion for abuse of discretion. *See Mandala v. NTT Data, Inc.*, 88 F.4th 353, 359 (2d Cir. 2023) (Rule 60(b)); *United States v. Carlton*, 534 F.3d 97, 100 (2d Cir. 2008) (recusal). Because Kamdem-Ouaffo “has been *pro se* throughout, his pleadings and other filings are interpreted to raise the strongest claims they suggest.” *Sharikov v. Philips Med. Sys. MR, Inc.*, 103 F.4th 159, 166 (2d Cir. 2024).

The district court properly denied Kamdem-Ouaffo’s motions for leave to file Rule 60(b) motions because the proposed motions were untimely and meritless. Rule 60(b) provides “a mechanism for extraordinary judicial relief invoked only if the moving party demonstrates exceptional circumstances.” *Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008) (internal quotation marks and citation omitted). As relevant here, Rule 60(b) provides that the district court may grant relief from a final judgment for the following reasons: “(3) fraud . . . , misrepresentation, or misconduct by an opposing party; (4) the judgment is void; . . . or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b). A Rule 60(b) motion “must be made within a reasonable time,” and if premised on fraud, misrepresentation, or misconduct by an opposing party, within one year of the challenged order or judgment. Fed. R. Civ. P. 60(c)(1).

As the district court correctly determined, Kamdem-Ouaffo’s motions were untimely. The district court dismissed the complaint in this action in 2022, and he filed the Rule 60(b) motions at issue here in 2025. To the extent Kamdem-Ouaffo sought relief from the judgment predicated on fraud under Rule 60(b)(3) (a claim he appears to have abandoned on appeal), the motions were filed well after the one-year deadline for such motions. *See* Fed. R. Civ. P. 60(c)(1); *Warren v. Garvin*, 219 F.3d 111, 114 (2d Cir. 2000) (describing this time limit as “absolute”); *see also Green*

*v. Dep't of Educ.*, 16 F.4th 1070, 1074 (2d Cir. 2021) (per curiam) (“[A] pro se litigant abandons an issue by failing to address it in the appellate brief.”). With respect to relief under Rule 60(b)(4) and (6), while the one-year deadline does not apply, the motions must nonetheless be filed within a reasonable time. Fed. R. Civ. P. 60(c)(1). Because three years had passed since the original dismissal in this action, it was well beyond a reasonable period to seek reconsideration. *Cf. Truskoski v. ESPN, Inc.*, 60 F.3d 74, 77 (2d Cir. 1995) (finding that a delay of 18 months was unreasonable).

Kamdem-Ouaffo appears to argue that his motions were nonetheless timely because his attempts to overturn the judgment were made soon after the district court, the Supreme Court, or this Court denied him relief. We disagree. He had a reasonable time from the entry of the judgment in the district court to seek reconsideration of that judgment, and that time had long since passed. *See* Fed. R. Civ. P. 60(c)(1).

In any event, regardless of timeliness, his proposed Rule 60(b) motions are without merit. As to Rule 60(b)(3), his claims of fraud amount to an argument that the courts adopted the defendants’ arguments, which is not fraud. In addition, Kamdem-Ouaffo’s theory that the judgments in *Balchem I* and *Balchem II* are void, such that he is entitled to relief under Rule 60(b)(4), is premised on an inaccurate assertion that the district court failed to address his objections to a magistrate judge’s order before dismissing his complaint in *Balchem I* as a sanction. The record clearly demonstrates that the district court addressed his objections prior to the dismissal. Moreover, this argument was barred by the mandate rule because Kamdem-Ouaffo raised it in his prior appeals. *See United States v. Aquart*, 92 F.4th 77, 87 (2d Cir. 2024) (“[T]he

mandate rules applies not only to issues explicitly or implicitly decided on appeal but also to issues that were ripe for review at the time of an initial appeal but . . . nonetheless foregone by a party.”) (omission in original) (internal quotation marks and citation omitted); *see also Kamdem-Ouaffo v. Balchem Corp.*, No. 23-455-CV, 2024 WL 1266220, at \*2 (2d Cir. Mar. 26, 2024) (summary order).

Kamdem-Ouaffo also argues that intervening cases present extraordinary circumstances warranting relief from the judgment under Rule 60(b)(6). “Intervening developments in the law by themselves rarely constitute the extraordinary circumstances required for relief under Rule 60(b)(6).” *Agostini v. Felton*, 521 U.S. 203, 239 (1997). Kamdem-Ouaffo cites *Waetzig v. Halliburton Energy Servs., Inc.*, 604 U.S. 305 (2025) and *Lewis v. Crandall*, No. 24-684-CV, 2024 WL 5154017 (2d Cir. Dec. 18, 2024) (summary order), in support of his claim, but neither decision in any way undermines the correctness of the judgment. We therefore can discern no reason to depart from that general rule.

Kamdem-Ouaffo’s argument that there was judicial bias requiring recusal (or undermining the judgments) is largely premised on adverse decisions and, thus, without merit. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”). His remaining allegations of conspiracy involving the district judge and magistrate judge were also properly rejected. *See Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (holding that allegations are frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible”).

In sum, because Kamdem-Ouaffo’s proposed motions were untimely and without merit, the district court did not abuse its discretion in denying Kamdem-Ouaffo leave to file. For the

same reasons, there was no abuse of discretion in denying leave to file a motion for reconsideration of that denial.

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We have considered Kamdem-Ouaffo's remaining arguments and conclude they are without merit. Accordingly, we **AFFIRM** the orders of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court