

United States Court of Appeals
for the Fifth Circuit

No. 26-60298
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 30, 2026

Thomas B. Plunkett, III
Clerk

CLAYTON J. FUCICH,

Plaintiff—Appellant,

versus

BARRY W. ASHE,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:25-CV-160

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges*.

PER CURIAM:*

After taking issue with Judge Ashe’s entry of a minute order in a separate case in the Eastern District of Louisiana, Clayton Fucich, proceeding pro se, “initiated this suit against Judge Ashe under some type of fanciful involuntary servitude argument.” *See Fucich v. Ashe*, No. 1:25-CV-160-TBM-RPM, 2026 WL 908938, at *1 (S.D. Miss. Mar. 31, 2026). Fucich

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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now appeals the district court’s denial of his motion to declare the judgments, order, and proceedings issued by Judge Ashe void under Rule 60(b)(4). *See* Fed. R. Civ. P. 60(b)(4). We review de novo. *SEC v. Novinger*, 40 F.4th 297, 301 (5th Cir. 2022). A judgment is void under Rule 60(b)(4) “only in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard.” *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010). Needless to say, a Rule 60(b)(4) motion against Judge Ashe in the Southern District of Mississippi is not the appropriate avenue for such a challenge. After reviewing the briefs and the record, with the benefit of liberal construction of Fucich’s briefs, we find no reversible error. Accordingly, the judgment of the district court is **AFFIRMED**.