

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 24, 2026

Christopher M. Wolpert
Clerk of Court

VIOLETA DUMITRASCU, on behalf
of A.M.B.D.,

Plaintiff - Appellee,

v.

ALIN DUMITRASCU,

Defendant - Appellant.

No. 25-1330
(D.C. No. 1:21-CV-01813-PAB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **TYMKOVICH**, **McHUGH**, and **FEDERICO**, Circuit Judges.

Alin Dumitrascu, proceeding pro se, appeals the district court's denial of various motions for post-judgment relief and judicial recusal. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

I

The factual background of this case is detailed in our decision affirming the district court’s 2021 judgment resolving an international custody dispute between Alin and Violeta Dumitrascu over their minor child. *See Dumitrascu v. Dumitrascu*, No. 21-1341, 2022 WL 1529624, *1 (10th Cir. May 16, 2022) (“Hague proceedings”). We do not repeat that background information other than to provide context for our consideration of the issues presented in this appeal.

Chief Judge Philip Brimmer presided over the proceedings, which were conducted pursuant to the Hague Convention on the Civil Aspects of International Child Abduction. After briefing from the parties and a short bench trial, the district court found that Romania was the child’s habitual residence, concluded that Alin’s retention of the child violated Violeta’s custody rights under Romanian law, and ordered the child’s return to Romania so that Alin and Violeta’s custody dispute could be resolved there.¹ On appeal, Alin challenged the district court’s finding that Romania was the child’s habitual residence. We affirmed.

¹ The district court did not rule on the child’s custody. The Hague proceedings were conducted to determine the child’s habitual residence.

In 2025, Alin filed several pleadings in district court, including motions to vacate the judgment under Federal Rule of Civil Procedure 60(b)(6), as well as a motion requesting Chief Judge Brimmer's recusal.² Alin requested Chief Judge Brimmer's recusal based on his conduct during the Hague proceedings and his prior relationship with Violeta's attorney, Habib Nasrullah. Alin's arguments for Rule 60(b)(6) relief included: (1) contentions that the district court made legal and factual errors during the Hague proceedings; (2) misconduct allegations against Violeta, Violeta's mother, and Nasrullah; (3) and the judicial misconduct allegations in his recusal motion.

The district court denied the recusal request for the following reasons. First, the hearing Alin challenged was held virtually because of the COVID-19 pandemic, transcripts of the hearing were created, and Alin identified no error that adversely affected his ability to participate in the Hague proceedings. Second, the court expressly did not rule on custody of the child during the Hague proceedings because its jurisdiction was limited to determining the child's habitual residence under the Hague Convention. Third, there was no suggestion of favoritism for Nasrullah based on his

² Alin's motions included several additional arguments and requests for relief that he does not argue on appeal. We limit our review to the issues argued on appeal.

career history with Chief Judge Brimmer or the fact that Nasrullah won a jury trial before Chief Judge Brimmer in 2013.

The court also denied Alin's requests for Rule 60(b) relief. First, it determined that Alin's allegations of legal error could have been made during the Hague proceedings and were not appropriately raised in a Rule 60(b) motion. Second, the court determined that it was not biased in favor of Nasrullah, and Alin's misconduct allegations against Nasrullah were unavailing. Third, the court found that there was no indication that Violeta presented false testimony or evidence during the Hague proceedings. Finally, the court determined that Alin failed to provide the level of specificity needed to prove that any of his claims merited relief under Rule 60(b)(6).

Alin appealed.

II

We review the district court's denial of the motion for disqualification and the Rule 60(b)(6) motions for abuse of discretion. *Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.*, 956 F.3d 1228, 1239 (10th Cir. 2020) (motion for judge disqualification); *Johnson v. Spencer*, 950 F.3d 680, 701 (10th Cir. 2020) (Rule 60(b)(6) motion).

We construe Alin's pleadings liberally but do not serve as his advocate. *Luo v. Wang*, 71 F.4th 1289, 1291 n.1 (10th Cir. 2023). And we

have “repeatedly insisted that pro se parties follow the same rules of procedure that govern other litigants.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005) (internal quotation marks omitted).

A

Alin failed to raise the following issues before the district court: (1) he was entitled to post-judgment relief under Rule 60(b)(4); (2) he was entitled to Rule 60(b) relief because the Hague proceedings violated because his due process rights; and (3) the district court erred when it failed to apply the home state rule found in the Uniform Child Custody Jurisdiction and Enforcement Act. We deem these issues waived and decline to review them. *See United States v. Leffler*, 942 F.3d 1192, 1196 (10th Cir. 2019) (“When an appellant fails to preserve an issue and also fails to make a plain-error argument on appeal, we ordinarily deem the issue waived (rather than merely forfeited) and decline to review the issue at all – for plain error or otherwise.”).

We now turn to Alin’s remaining appellate arguments, which include challenges to the denial of his motions for judicial recusal and Rule 60(b) relief.

B

A district court judge must disqualify himself if “his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). When evaluating judge recusals, “we ask whether a reasonable person, fully informed of the relevant facts, would question the judge’s impartiality.” *Barnett*, 956 F.3d at 1239 (internal quotation marks omitted).

Alin attempts to reargue the issues raised in the recusal motion and appears to challenge Chief Judge Brimmer’s conclusion that his prior relationship with Nasrullah did not require him to recuse. We discern no abuse of discretion here because no reasonable person would question Chief Judge Brimmer’s impartiality.

First, Alin reasserts that Chief Judge Brimmer was biased against him because Alin was not permitted to attend a virtual hearing in person. But, as the district court observed, the virtual hearing did not disadvantage Alin or treat him differently from other parties. The hearing was held virtually because of the COVID-19 pandemic, and transcripts were created. Alin participated in the hearing in the exact same way as all other parties. There was no indication of judicial bias here.

Second, Alin appears to argue that the outcome of the Hague proceedings indicates that Chief Judge Brimmer should have recused, as he ruled on the child’s custody without proper legal authority. We disagree. As

the district court noted, the Hague proceedings were limited to determining the child's habitual residence, not resolving any custody disputes. And, to the extent Alin is complaining about the district court's habitual-residence determination, "[a]dverse rulings alone do not demonstrate judicial bias." *Bixler v. Foster*, 596 F.3d 751, 762 (10th Cir. 2010).

Third, Alin reiterates his broad allegations of misconduct and impropriety in the Hague proceedings in support of his argument that Chief Judge Brimmer should have recused, specifically in light of his prior relationship with Nasrullah. But Chief Judge Brimmer's professional history with Nasrullah is not grounds for disqualification. Chief Judge Brimmer and Nasrullah worked together over a decade ago. A judge's career history with former colleagues is insufficient, standing alone, to serve as a basis for disqualification without specific facts calling his impartiality into question. Alin has identified no facts indicating bias in Nasrullah's favor.

The district court did not abuse its discretion when it denied the recusal motion.

C

Alin challenges the district court's denial of Rule 60(b)(6) relief. He mainly reasserts the same arguments he made in his motions for post-judgment relief before the district court.

Rule 60(b) provides that a court may relieve a party from a final judgment based on mistake or excusable neglect, newly discovered evidence, fraud, or a void judgment. *See* Fed. R. Civ. P. 60(b)(1)-(5). The rule also includes a catchall provision that allows a case to be reopened for “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(6). “Rule 60(b) relief is extraordinary and may only be granted in exceptional circumstances.” *Bond v. Sheriff of Ottawa Cnty.*, 173 F.4th 1265, 1310 (10th Cir. 2026) (internal quotation marks omitted). We will “reverse[] only if we find a complete absence of a reasonable basis and are certain that the decision is wrong.” *Johnson*, 950 F.3d at 701 (internal quotation marks omitted). Importantly, a party may not use Rule 60(b) to “revisit[] the issues already addressed” or to “advanc[e] new arguments or supporting facts which were otherwise available for presentation” earlier in the proceeding. *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991) (internal quotation marks omitted).

Alin has not shown that the district court’s order completely lacked a reasonable basis.

First, the district court’s reasons for denying Alin’s requests for Rule 60(b)(6) relief are sound. Alin failed to raise his arguments of legal error (including his misconduct allegations against Violeta and her attorney) earlier during the Hague proceedings, either before the district

court or on direct appeal. And he has identified no reason as to why he failed to make those challenges when he should have. *See Van Skiver*, 952 F.2d at 1243. Further, Alin attempts to reargue the requests for relief that were premised on conduct that occurred after judgment was entered. Alin does not rebut the district court's conclusion that his allegations constituted new claims for relief, and we discern no abuse of discretion in that conclusion.

Alin also attempts to argue that he was entitled to Rule 60(b)(6) relief based on judicial bias. But, as discussed above, the district court did not abuse its discretion when it declined recusal. It follows that it did not abuse its discretion in denying Rule 60(b)(6) relief on that basis as well. Alin takes issue with a statement from the recusal order that Chief Judge Brimmer and Nasrullah had not interacted for 17 years, and points to a case from 2013 as evidence that the district court was wrong and that this misstatement entitled him to Rule 60(b)(6) relief. But the district court's order makes clear that Chief Judge Brimmer worked with Nasrullah 17 years ago, and he also presided over a case that Nasrullah worked on 13 years ago. The district court did not misrepresent the relationship between Chief Judge Brimmer and Nasrullah, and it was not an abuse of discretion to discuss their professional history in denying Alin's request.

Finally, Alin attempts to challenge the overall sufficiency of the district court's order. He alleges that the order lacked substantive analysis

and ignored record evidence. But these allegations are belied by the text of the order itself. The district court reviewed Alin's filings and discussed them in turn, providing legal citation and explanations for why Alin's arguments did not merit post-judgment relief. *See* R. at 269-274.

III

We affirm the district court's judgment. All pending motions are denied.

Entered for the Court

Richard E.N. Federico
Circuit Judge