

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

United States of America ex rel. Ms. MEI
LING,

Plaintiff - Appellant,

and

UNITED STATES OF AMERICA; FAIR
HOUSING COUNCIL OF THE SAN
FERNANDO VALLEY,

Plaintiffs - Appellees,

v.

CITY OF LOS ANGELES, a municipal
corporation,

Defendant - Appellee,

and

CALIFORNIA AND COMMUNITY
REDEVELOPMENT AGENCY OF THE
CITY OF LOS ANGELES, CRA - LA, a
Designated Local Authority, a public entity,

Defendants.

No. 25-249

D.C. No.

2:11-cv-00974-JFW-JC

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Argued and Submitted April 23, 2026
Pasadena, California

Before: HIGGINSON, NGUYEN, and BRESS, Circuit Judges.**

Mei Ling appeals the district court’s denial of her 1) motion for an evidentiary hearing and limited discovery and 2) motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e). She also asks for sanctions against the United States for violating its duty of candor. We have jurisdiction under 28 U.S.C. § 1291. We affirm the denials of Ling’s motions and deny the request for sanctions.¹

We review “[t]he denial of an evidentiary hearing . . . for abuse of discretion” as well as “the court’s decision to deny further discovery.” *A&M Recs., Inc. v. Napster, Inc.*, 239 F.3d 1004, 1026 n.7 (9th Cir. 2001) (citations omitted). We also review the denial of a Rule 59(e) motion for abuse of discretion. *McCarthy v. Mayo*, 827 F.2d 1310, 1314 (9th Cir. 1987).

1. The district court did not abuse its discretion by denying Ling’s motion for an evidentiary hearing and limited discovery because she did not show

** The Honorable Stephen A. Higginson, United States Circuit Judge for the Court of Appeals, 5th Circuit, sitting by designation.

¹ Ling raises other issues that we address in an accompanying opinion.

such a hearing was necessary or present a “colorable claim” of collusion. *See United States ex rel. Sequoia Orange Co. v. Baird-Neece Packing Corp.*, 151 F.3d 1139, 1145 (9th Cir. 1998).

The Government disclosed its negotiation calculations at the fairness hearing, thus eliminating Ling’s alleged substantial and particularized needs for further discovery. Additionally, Ling failed to “present[] a colorable claim . . . that the Government’s decision was based on arbitrary or improper considerations” like collusion. *See id.* Ling cites the City’s letter to HUD as evidence of collusion, but her own counsel noted in an email to Ling that the City “has no idea if the [G]overnment would agree to a set-off.” And notably, the Government ultimately did not. Instead, the Government negotiated the FCA settlement which redressed the FCA violations separate from the underlying civil rights violations. And as the district court noted, “the active participation of an experienced mediator during the settlement process” evidenced a lack of any collusion.

2. The district court did not abuse its discretion by denying Ling’s Rule 59(e) motion because the denial was without prejudice to refiling. Upon transfer of this case from Judge Philip S. Gutierrez, who had retired, to Judge John F. Walter, Judge Walter denied all pending motions without analysis but “without prejudice to refiling in accordance with this Court’s Standing Order.” It was not an

abuse of discretion for Judge Walter to deny all the pending motions to allow the parties to refile in accordance with his standing order.

Ling contends that by the time Judge Walter denied her motion, the time to file a Rule 59 motion passed, so she was unable to refile. *See* Fed. R. Civ. P. 59(e) (requiring motion “be filed no later than 28 days after the entry of the judgment”); Fed. R. Civ. P. 6(b)(2) (“A court must not extend the time to act under Rules . . . 59(b), (d), and (e). . . .”). But because Ling timely filed her initial motion, Judge Walter could have considered a renewed motion, filed in compliance with his standing order, even after the deadline expired. *See* 11 WRIGHT & MILLER’S FEDERAL PRACTICE & PROCEDURE § 2817 (3d ed. 2026) (“[I]f two motions to alter or amend are made, the time period for the second motion begins with the court’s decision on the first motion.”); *see also id.* at § 2812 (“[E]ven after the 28-day period has expired, the court, having first denied a timely motion for a new trial, may reinstate that motion and consider it anew.”); *see also Feldman v. Allstate Ins. Co.*, 322 F.3d 660, 665–66 (9th Cir. 2003) (holding time to appeal tolled where litigant timely filed Rule 59(e) motion that did not comply with local rules and then filed a “corrected Rule 59 motion” after). Nothing prohibited Ling from re-filing her Rule 59(e) motion as directed by the district court in order to have it considered on the merits.

3. We deny Ling’s request to impose sanctions on the Government for allegedly violating its duty of candor.² Contrary to Ling’s assertion, nothing in the record confirms that there was a \$100 million offer without offsets. The record contains little information about the various offers exchanged by the parties over the many years this litigation was pending

Ling fails to show that the Government misrepresented the facts or violated its duty of candor to the court. As the Government explained, “[i]t was not obvious” from Ling’s brief that she “meant to reference two separate settlement offers.” Ling cited identical pages from the record when referencing both offers, and none of those pages mentioned settlement offers. The Government reasonably represented in its briefing to this court that it “did not purport to offer a comprehensive recitation of every offer made by the parties” and instead responded to “the only settlement offer for which [Ling] offered meaningful documentary support”—the \$111 million offer with offsets.

AFFIRMED.

² Because Ling raised this contention for the first time in her reply brief, we grant the Government’s motion for leave to file a surreply, Dkt. No. 48.