

'Void' Judgments Are Not Void After All

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Supreme Court decisions regarding bankruptcy cases usually affect only bankruptcy litigation, but the recent decision in *Coney Island Auto Parts Unlimited, Inc. vs. Burton*^[1] alters the landscape for all federal litigation. Previously, the Supreme Court declared that “A void judgment is a legal nullity.”^[2] A leading Federal civil procedure treatise states that “there is no time limit on an attack on a judgment as void.”^[3] Neither remains true any longer. After *Coney Island Auto Parts Unlimited*, if a party learns that a federal court has entered a “void” judgment against it, it must challenge the judgment within a “reasonable time” or it may find itself bound nonetheless.

In *Coney Island Auto Parts Unlimited*, a debtor sued Coney Island to collect allegedly unpaid invoices. Service of the complaint was purportedly invalid. Coney Island did not answer the complaint, and a default judgment was entered against it in 2015. Lower courts found that by 2016, Coney Island had notice of the judgment. In 2021, funds were seized from Coney Island’s bank account, prompting it to file a motion to vacate the judgment under Federal Rule of Civil Procedure 60. The Bankruptcy Court denied the motion on timeliness grounds. The Bankruptcy Court was affirmed by the District Court and the Sixth Circuit Court of Appeals.

The Supreme Court also affirmed. It noted that Coney Island declined to challenge Rule 60 on constitutional grounds or raise due process arguments. Coney Island instead focused on historical precedent for the principle that “the passage of time cannot turn [] a nullity into an enforceable judgment.” The Supreme Court held that indeed it can. “Even if the passage of time cannot cure voidness, the same principle holds true for most legal errors,” yet time limits are placed on appeals and other legal challenges to judgments. Rule 60(b)(4) requires that a motion for relief be made within a “reasonable time.” The Supreme Court opined that “this may well be all that due process demands.”

The takeaway is clear: if you learn that a judgment has been entered against you, even by a court that lacks jurisdiction over you or the subject matter, you cannot safely ignore it. Nothing in the Supreme Court’s opinion limits this holding to bankruptcy cases, so any federal judgment must be taken seriously, no matter the circumstances.

Miller Canfield advises clients regarding their rights in bankruptcy cases and other litigation. Should you have any questions or wish assistance, please feel free to contact your Miller Canfield attorney or one of the authors of this alert.

[1] 607 U.S. ____, 2026 WL 135998 (issued January 20, 2026).

[2] *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 270 (2010).

[3] Wright & Miller § 2862 Void Judgment, 11 Fed. Prac. & Proc. Civ. § 2862 (3d ed.).