UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

COMMODITY FUTURES TRADING COMMISSION, Plaintiff, v. OASIS INTERNATIONAL GROUP, LIMITED, ET AL., Defendants.	Case No. 8:19-cv-886-VMC-SPF

RESPONDENT MICHAEL J. DACORTA'S MOTION FOR CLARIFICATION OF DOC. 991 AND, ALTERNATIVELY, FOR RELIEF UNDER FEDERAL RULES OF CIVIL PROCEDURE 54(b) AND 60(b)

Respondent Michael J. DaCorta, appearing pro se from FCI Coleman Camp, moves for clarification of the Court's September 22, 2026 Order (Doc. 991), which awarded $47,220.23 on the Receiver's motion at Doc. 988, and, alternatively, for relief under Federal Rule of Civil Procedure 54(b) or Rule 60(b)(1) and (b)(6). Doc. 991 approved payment of those amounts from the Receivership. The Receiver now asks that Respondents pay those same amounts under Doc. 989 (Doc. 1000). Mr. DaCorta asks the Court to confirm that Doc. 991 left that question open, so that his objection to Doc. 1000 may be considered as to those amounts. Rule 54(b) sets no deadline, and this motion is also filed within a reasonable time and within one year of the Order. Fed. R. Civ. P. 60(c)(1). A motion under Rule 59(e) would

have been due within 28 days of the Order, and he explains below why he did not file one.

I. BACKGROUND

The Receiver filed Doc. 988 on August 31, 2026. Mr. DaCorta had been returned to FCI Coleman Camp only three days earlier, on August 28, 2026. He had been in United States Marshals Service custody from July 10 to July 29, 2026, including a transfer to Miami, and again from August 3, 2026, when he was picked up for the August 7, 2026 hearing, until August 28. Mr. DaCorta is incarcerated and is not a registered CM/ECF user. The certificate of service on Doc. 988 reflects service through the Court's CM/ECF system. Mr. DaCorta does not recall receiving a copy of Doc. 988 by mail. Before Doc. 991 was entered, neither the Receiver nor his counsel had contacted him by mail, telephone, or email about Doc. 988.

On September 22, 2026, the Court granted the motion. Doc. 991 states that no objections had been filed. Mr. DaCorta did not file a separate objection to Doc. 988. He challenged the Receiver's fees more generally in Doc. 990, filed September 11, 2026, which the Court denied on October 21, 2026. Doc. 1001. He is now objecting to the same charges, with specific entries, in his objection to Doc. 1000, which asks that Respondents pay $63,125.15 in amounts already approved and paid from the Receivership, including the awards in Doc. 991. Doc. 1000 at 3–

4, 11–12. He is filing that objection, which includes specific challenges to the amounts awarded in Doc. 991, and a separate motion to stay collection of those amounts pending the Court's ruling, together with this motion.

A motion under Rule 59(e) would have been due by October 20, 2026, the last day of the 28-day period. Mr. DaCorta is incarcerated, proceeding pro se, and not a CM/ECF user. He did not file a Rule 59(e) motion because he believed his pending challenge to the Receiver's fees in Doc. 990 adequately raised the issue. The Court did not rule on Doc. 990 until October 21, 2026, the day after that period ended, and stated that he had not identified specific charges. Doc. 1001 at 14. He has now identified them in his contemporaneous objection to Doc. 1000, and seeks the relief requested here.

II. ARGUMENT

Doc. 991 approved fees for payment from the Receivership. Doc. 989 is narrower: it orders Respondents to pay only the attorneys' fees and costs "reasonably and necessarily incurred in prosecuting Respondents' violations." Doc. 989 at 85–86. Doc. 1000 asks Respondents to pay $239,306.36, including amounts the Receivership has already paid, and acknowledges that not all charges in the invoices relate to the show cause proceedings. Doc. 1000 at 3–4, 13 n.2. Whether a fee was properly paid from the Receivership is a different question from whether it was necessarily incurred in prosecuting the violations, and the Court has

not decided the second. Mr. DaCorta asks the Court to clarify that Doc. 991 does not decide what Respondents owe under Doc. 989 and does not preclude his objections to Doc. 1000.

If Doc. 991 is read to foreclose that review, relief is warranted under Rule 54(b). Doc. 991 granted an interim fee application, and the Consolidated Order makes such awards "interim" and "subject to cost benefit and final reviews." Doc. 177 at 24 (¶ 62). An order of that kind may be revised while the case remains pending, and to the extent Doc. 991 is nonfinal, as its interim character suggests, the Court retains authority to reconsider, revise, alter, or amend it at any time before final judgment. Fed. R. Civ. P. 54(b); *Hornady v. Outokumpu Stainless USA, LLC*, 118 F.4th 1367, 1379–80 (11th Cir. 2024).

In the alternative, to the extent Doc. 991 is treated as final, Rule 60(b)(1) permits relief from an order for mistake, inadvertence, surprise, or excusable neglect. Rule 60(b)(6) independently permits relief for any other reason that justifies it, and the fact that these same charges are now sought from him and the other Respondents in Doc. 1000, which was not before the Court when Doc. 991 was entered, is such a reason. The Order rests on the premise that the motion was unopposed. Mr. DaCorta had in fact challenged its charges in another filing, but no separate objection was before the Court. Fed. R. Civ. P. 5(b)(2)(C) and (E) and Local Rule 3.01(d) contemplate that a party against whom relief is sought will

receive the motion and have time to respond. An incarcerated party who is not a CM/ECF user does not receive service by that system. Fed. R. Civ. P. 5(b)(2)(E). The Receiver's counsel did not contact him by mail, telephone, or email about the motion, and he was confined away from FCI Coleman for much of the summer, as shown in his own filing at Doc. 963.

The amount at stake is substantial, and the Receiver's own filings show that its basis is disputed. Doc. 988 sought fees for work connected to the contempt proceedings under Doc. 989, which Mr. DaCorta is appealing (11th Cir. No. 26-13417-A), and Doc. 989 limits recoverable fees to those "reasonably and necessarily incurred in prosecuting Respondents' violations" (Doc. 989 at 85–86). The Court has not yet decided whether the fees awarded in Doc. 991 meet that standard, whether they overlap with later requests (including Doc. 1000), or whether they are properly payable by him as opposed to the Receivership. Those questions are better decided on a full record.

The Order states that "no objections have been filed." Doc. 991 at 2. The Court has since described Mr. DaCorta's earlier challenge to the Receiver's fees as vague and noted that it "cannot correct an unidentified error." Doc. 1001 at 14. He has now identified specific entries and categories in his objection to Doc. 1000. The Receiver's counsel, Ms. Lockwood, wrote that the Court "always scrutinizes the Receiver's fee applications" and that Mr. DaCorta "does not identify any

charges that are purportedly incorrect or improper." Doc. 994 at 15. He asks that those charges be examined now, before Respondents are required to pay them.

The delay in seeking relief is short, it was not the result of strategy, and it will not prejudice the Receiver, who holds the funds in a receivership the Court supervises. He asks for the relief he would have sought under Rule 59(e).

III. RELIEF REQUESTED

Mr. DaCorta respectfully asks the Court to:

(1) clarify that Doc. 991 approved payment from the Receivership, did not determine what Respondents owe under Doc. 989, and does not preclude Mr. DaCorta's objection to Doc. 1000 as to the amounts it awarded;

(2) alternatively, if Doc. 991 is read to foreclose that review, modify it under Rule 54(b) or grant relief under Rule 60(b) so that his objection to Doc. 1000 is considered as his objection to the amounts awarded in Doc. 991;

(3) pending a ruling, stay any enforcement or collection against Mr. DaCorta of the amounts awarded in Doc. 991;

(4) direct the Receiver to serve all future filings on Mr. DaCorta by U.S. mail at the address below, in addition to CM/ECF; and

(5) grant such other relief as the Court finds just.

LOCAL RULE 3.01(g) CERTIFICATE

Mr. DaCorta is incarcerated and cannot telephone counsel for the Receiver, Jared J. Perez and Maya Lockwood, from FCI Coleman, and he asks the Court to excuse conferral before filing. A copy of this motion is being emailed to counsel at his direction on the date in the certificate of service below, so that the Receiver may state its position in response. Local Rule 3.01(g).

Respectfully submitted,
/s/ Michael J. DaCorta
Michael J. DaCorta
BOP Register No. 73181-018
Currently confined at:
FCI Coleman Camp
P.O. Box 1027
Coleman, FL 33521
Respondent, pro se

CERTIFICATE OF SERVICE AND OF MAILING

I HEREBY CERTIFY that on October 23, 2026, a copy of the foregoing was sent by electronic mail, at my direction, to counsel for Receiver Burton W. Wiand: Jared J. Perez, Esq. (jared.perez@jaredperezlaw.com) and Maya Lockwood, Esq. (maya@burtonwwiandpa.com).

/s/ Michael J. DaCorta
Michael J. DaCorta