

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

EDWARD LEE CLEMMONS,

Petitioner,

v.

CASE NO. 90-3035-SAC

STEVEN J. DAVIES,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2254. Relief was denied in February 1992, and the U.S. Court of Appeals for the Tenth Circuit dismissed petitioner's appeal in August 1992 for lack of prosecution.

The matter is before the court on petitioner's motion to alter or amend (Doc. #75) and motion for preliminary discovery and evidentiary hearing (Doc. #76).

The Court has examined these motions and finds they may be summarily dismissed. Petitioner has filed similar motions on multiple occasions in this matter, the present motions do not offer any new authority or persuasive argument, and petitioner has been advised of the need to seek authorization for a successive application in the Tenth Circuit before presenting claims that challenge the validity of his conviction. See 28 U.S.C. § 2244(b) (3) (A).

Petitioner is advised that the Court has the authority to enjoin a party who abuses the judicial system by vexatious practices. See *Tripati v. Beaman*, 878 F.2d 351 (10th Cir. 1989). Petitioner's repeated filing of motions on grounds that have been considered and rejected is an appropriate ground for filing limitations, and the

Court advises petitioner that filing any future motion in this action that presents a new ground for relief without the proper authorization will result in the summary dismissal of that motion for lack of jurisdiction.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion to alter or amend (Doc. #75) and his motion for preliminary discovery and evidentiary hearing (Doc. #76) are denied.

IT IS SO ORDERED.

DATED: This 1st day of August, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge