

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

WILLIAM T. LYTRAN,  
Plaintiff,

vs.

Case No. 02-1097-JTM

UNITED STATES OF AMERICA,  
Defendant.

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MEMORANDUM AND ORDER

On December 30, 2002, this court dismissed the present action for lack of prosecution. (Dkt. No.11). Well over three years later, on May 23, 2006, plaintiff William Lytran has moved to reopen the case.

Dismissal of the action was appropriate. On December 3, 2002, the court issued a Show Cause Order requiring Lytran to show cause why the action should not be dismissed for lack of prosecution. Lytran filed no response.

Lytran's current motion to reopen the action contains nothing justifying reopening the case. Lytran's motion is utterly silent as to his prior lack of prosecution of the action or of his failure to respond to the Order to Show Cause.

Instead, Lytran merely offers some additional information (a statement of his educational background) supposedly buttressing his underlying claims against the government. But the evidence cited would have been known to him in 2002, and cannot constitute newly discovered evidence.

Accordingly, there is no basis for relief pursuant to Fed.R.Civ.Pr. 60, since the motion was filed more than one year after judgment, and makes no showing of excusable neglect or other grounds for relief.

IT IS ACCORDINGLY ORDERED this 27<sup>th</sup> day of June, 2006, that the plaintiff's Motion to Reopen (Dkt. No.14) is hereby denied.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE