

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALAN W. KINGSLEY,

Petitioner,

v.

CASE NO. 05-3010-SAC

DAVID R. MCKUNE, et al.,

Respondents.

MEMORANDUM AND ORDER

This petition for writ of habeas corpus, 28 U.S.C. 2254, was dismissed by Memorandum and Order dated November 17, 2005, for not having been filed within the applicable statute of limitations. Before the court is a letter which has been treated as petitioner's second Motion for Reconsideration (Doc. 30). Having considered the motion, the court finds it should be denied.

In this filing, petitioner claims that a page was inadvertently omitted from his first motion for reconsideration. The page has now been considered by the court and refers to two arguments. One is an argument which has been repeatedly made by petitioner and rejected by this court. The second argument is alleged as "new evidence" that he was given a "psychotropic medication" for several years and was on it "since his conviction from approximately 1992 through 2004." Petitioner states this "can be consider (sic) in evaluating his inaction" from 1993. Petitioner alleges no facts indicating that this

medication prevented him from filing timely state or federal court actions. The court has no reason to presume that it did so, particularly since petitioner did pursue state actions in some of the years during which he states he was taking the medication.

This court concludes that no facts are alleged and no reason is shown to exist for this court to reconsider its Memorandum and Order of November 17, 2005 or its order denying his first Motion for Reconsideration (Doc. 28).

IT IS THEREFORE BY THE COURT ORDERED that petitioner's second Motion for Reconsideration (Doc. 30) is denied.

IT IS SO ORDERED.

Dated this 12th day of January, 2006, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge