

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 06-20159-01-KHV
)	
GASPAR RAMOS,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On December 3, 2009, the Court sentenced defendant to 210 months in prison. On August 3, 2011, the Court overruled defendant's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Federal Custody (Doc. #348). See Memorandum And Order (Doc. #355). Under Amendment 782 to the Sentencing Guidelines, the Court later reduced defendant's sentence to 168 months in prison. See Order Regarding Motion For Sentence Reduction Pursuant To 18 U.S.C. § 3582(c)(2) (Doc. #368) filed February 9, 2015. This matter is before the Court on defendant's Motion Pursuant [To] Fed. R. Civ. P. 60(b) (Doc. #373) filed June 30, 2016. For reasons stated below, the Court overrules defendant's motion.

Some five years after the Court ruled on defendant's Section 2255 motion, he seeks reconsideration. A motion under Rule 60(b) must be made within a reasonable time after entry of the judgment or order. Fed. R. Civ. P. 60(c)(1). Defendant did not file his motion with a reasonable time. Judicial efficiency and the finality of criminal sentences also justify limiting the time to seek reconsideration of a ruling on a motion for collateral attack such as a Section 2255 motion. See United States v. Randall, 666 F.3d 1238, 1242 (10th Cir. 2011); United States v. Mitchell, 518 F.3d 740, 747 (10th Cir. 2008). The Court's ruling on a Section 2255 motion should not be open for

reconsideration indefinitely or it would circumvent the otherwise applicable deadlines set forth in Rule 4(b) of the Federal Rules for Appellate Procedure. See Randall, 666 F.3d at 1242-43.

IT IS THEREFORE ORDERED that defendant's Motion Pursuant [To] Fed. R. Civ. P. 60(b) (Doc. #373) filed June 30, 2016 is **OVERRULED**.

Dated this 30th day of September, 2016 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge