

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LINDA HALL,

Plaintiff,

vs.

Case No. 06-1240-JTM

ED WHITACRE, et al.,

Defendants.

MEMORANDUM AND ORDER

Pro se plaintiff Linda Hall has filed a “MOTION, TO ASK FOR A LEAVE OF COURT TO PREPARE FOR APPEAL.” (Dkt. No. 59). Subsequently, Hall has filed two secondary motions to amend this earlier motion (Dkt. Nos. 63, 64). The specific relief requested by Hall in these motions is not easy to determine. However, her first Motion to Amend (Dkt. No. 63) essentially requests “waiving the filing requirement of ten days,” which the court interprets as a request for relief under Fed.R.Civ.Pr. 59 or 60. (Dkt. No. 63, at 3). Taken as a whole, the court construes Hall’s most recent pleadings as requests for relief from the time for filing a notice of appeal, rather than attempting to submit such a notice directly.

Hall’s motions are denied. A motion for relief under Rule 59 must be filed within ten days of the entry of judgment, regardless of the nature of said motion. A motion under Rule 60 must also be filed within ten days of judgment if a party seeks to use the time as a means of tolling the time for filing a notice of appeal. Fed.R.App.Pr. 4(a)(4)(A)(vi).

Here, the court entered judgment against Hall on August 8, 2007. (Doc. No. 58). Therefore, the latest round of motions by Hall, which did not commence until September 7, 2007, are untimely. The court is without jurisdiction to grant the relief sought. *Alva v. Teen Help*, 469 F.3d 946, 954 (10th Cir. 2006).

IT IS ACCORDINGLY ORDERED this 11th day of October, 2007 that the plaintiff's motions, (Dkt. Nos. 59, 63, 64) are hereby denied.

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