

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JASON ALAN JUSTICE,
Petitioner,

v.

CASE NO. 06-3233-SAC

DAVID McKUNE,
et al.,
Respondents.

O R D E R

On October 10, 2006, this court entered a Memorandum and Order dismissing this action as time-barred. On May 15, 2007, petitioner filed a Notice of Appeal from that Memorandum and Order. While the appeal was pending, on June 5, 2007, petitioner sent a packet containing many papers to the court. One letter in the packet dated May 30, 2007, which has no caption or case number at the top, was filed in this action as petitioner's Motion to Reopen Case (Doc. 18). Petitioner's appeal was dismissed by the Tenth Circuit Court of Appeals as untimely on June 21, 2007 (Doc. 19).

Having considered petitioner's Motion to Reopen Case (Doc. 18), the court finds no reason is alleged therein or exists for the court to reopen this case. Petitioner's allegations that he is provided with limited writing materials and postage are not sufficient to show he has been denied access to the courts. He has previously been informed that conclusory claims of impediment to access are insufficient.

Petitioner complains regarding the court's finding that his Notice of Appeal was untimely, and claims he was not aware of the court's decision dismissing this case within thirty days of the court's judgment. The record shows that copies of the Memorandum

and Order and Judgment mailed to Mr. Justice by the clerk of the court was returned to the court on October 23, 2006, and remailed on that date. Mr. Justice did not provide the court with a notice of change of address until May 15, 2007. A litigant is required to keep the court apprised of any change of address, and to inquire as to the status of his case if he moves and has not provided his new address. Mr. Justice apparently did neither in this case. In any event, as the Tenth Circuit held, his Notice of Appeal was too late to be revived.

IT IS THEREFORE ORDERED that petitioner's Motion to Reopen Case (Doc. 18) is denied.

IT IS SO ORDERED.

Dated this 25th day of July, 2007, at Topeka, Kansas.

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