IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v. No. 10-10043-01-JWB

JEFFREY CHILDS,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's motion for reconsideration. (Doc. 172.) The motion is fully briefed and ripe for decision. (Docs. 173, 174.) The motion is DENIED for the reasons set forth herein.

I. Background

In 2010, Defendant Jeffrey Childs was convicted of multiple drug trafficking crimes, as well as the possession of firearms in furtherance of such crimes in violation of 18 U.S.C. § 924(c) (Counts 4 and 10). The court sentenced Defendant to 300 months imprisonment, in accordance with the parties' binding plea agreement under Rule 11(c)(1)(C). (Docs. 107, 108.) Defendant did not file a direct appeal. In 2016, Defendant moved to vacate his sentence pursuant to 28 U.S.C. § 2255. The court denied the motion. (Doc. 145.)

In 2017, Defendant moved for reconsideration and that motion was dismissed. (Docs. 148, 149.) In 2018, Defendant again moved for reconsideration and that motion was also dismissed. (Docs. 153, 154.) In November 2019, Defendant filed a second and successive § 2255 which the court dismissed for lack of jurisdiction. (Doc. 157.) Defendant then filed two motions to reduce sentence which were denied by the court. (Docs. 161, 166.) The second order was entered on

June 8, 2022. (Doc. 166.) Defendant now moves for reconsideration of the court's June 2022 order. (Doc. 172.)

II. Analysis

Defendant asserts that the court should reconsider its decision denying his motion for compassionate release. In response, the government argues that the motion is untimely. "The Federal Rules of Criminal Procedure do not authorize motions for reconsideration and accordingly do not specify a time within which they must be brought." *United States v. Heath*, 846 F. App'x 725, 728 (10th Cir. 2021). In *United States v. Warren*, the Tenth Circuit held that a motion to reconsider an order denying a § 3582(c)(2) motion must be filed within the time to appeal. 22 F.4th 917, 926 (10th Cir. 2022). This same time period has also been applied to motions filed under § 3582(c)(1). *See Heath*, 846 F. App'x at 728; *United States v. Wilson*, No. 22-6027, 2022 WL 3440244, at *1 (10th Cir. July 19, 2022); *United States v. Setiyaningsih*, No. 23-8085, 2024 WL 1714486, at *2 (10th Cir. Apr. 22, 2024).

III. Conclusion

Defendant's motion for reconsideration was filed more than four years after the deadline to appeal. Therefore, it is denied as untimely.

IT IS THEREFORE ORDERED this 18th day of August, 2026.

s/ John W. Broomes
JOHN W. BROOMES
CHIEF UNITED STATES DISTRICT JUDGE