

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 10-20128-01-KHV
)	
TIJUAN A. LEE,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

On July 28, 2017, the Court overruled defendant's motion to reconsider this Court's ruling on his Section 2255 motion and dismissed for lack of jurisdiction his second or successive motion to vacate sentence under Section 2255. See Memorandum And Order (Doc. #159) (construing Motion For Fed. Rule Of Civ. Pro. 60(b)(6) Reconsideration To Correct Error In [A] 28 U.S.C. § 2255 Proceeding (Doc. #158) filed March 9, 2017 as motion to reconsider under Fed. R. Civ. P. 60(b)(6) and second or successive motion under 28 U.S.C. § 2255). This matter is before the Court on defendant's Amended And Revised Motion For Relief From Judgment Pursuant To Rule 60(b)(6) Of The Federal Rules Of Civil Procedure (Doc. #160) filed August 4, 2017, which the Court construes as a motion to amend defendant's earlier motion to reconsider (Doc. #158). For reasons stated below, the Court overrules defendant's motion.

Defendant filed the motion to amend some five months after his original motion and seven days after the Court ruled on his original motion.¹ Because the Court had already ruled on

¹ When he mailed the present motion (Doc. #160) on July 31, 2017, defendant apparently had not received the Court's Memorandum And Order (Doc. #159).

defendant's original motion to reconsider, his motion to amend was moot.²

IT IS THEREFORE ORDERED that defendant's Amended And Revised Motion For Relief From Judgment Pursuant To Rule 60(b)(6) Of The Federal Rules Of Civil Procedure (Doc. #160) filed August 4, 2017 is **OVERRULED**.

Dated this 18th day of August, 2017 at Kansas City, Kansas.

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

² Even if defendant had filed his motion to amend before the Court had ruled on his motion to reconsider, the motion lacks merit. Defendant's motion to amend does not attempt to alter the substance of the claims in his original motion to reconsider. Defendant's motion to amend simply provides additional support and argument for the claims in his earlier motion (Doc. #158) as supplemented by the memoranda and letters that he filed on March 16, March 27 and April 6, 2017. See Doc. ##153-57.