

**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

This matter is before the Court on defendant's Motion For Reconsideration (Doc. #161) filed August 14, 2017. For reasons stated below, the Court overrules defendant's motion.

Defendant asks the Court to reconsider its Memorandum And Order (Doc. #159 filed July 28, 2017), which overruled his motion to reconsider (Doc. #158 filed March 9, 2017). Defendant's present motion to reconsider (Doc. #161) and his prior motion to reconsider (Doc. #158) attack the Court's rulings in the Memorandum And Order (Doc. #140 filed October 15, 2015), which overruled his original Section 2255 motion. Defendant attempted to appeal that order. On March 4, 2016, the Tenth Circuit denied a certificate of appealability and dismissed his appeal. See United States v. Lee, 637 F. App'x 525 (10th Cir. 2016). Defendant cannot use a motion to reconsider as a substitute for raising arguments on direct appeal or as a challenge to the appellate court's ruling. See Doc. #159 at 9. In addition, defendant cannot use a motion to reconsider or a successive Section 2255 motion to assert new claims that he could have but did not assert in his prior motion or on appeal. Id. at 10 (citations omitted). For these reasons and substantially the reasons stated in the record, defendant has not shown an adequate legal or factual basis for this Court to reconsider its ruling on his original Section 2255 motion or its ruling on his prior motion to reconsider. The

Court therefore overrules defendant's present motion to reconsider. See Memorandum And Order (Doc. #162) filed August 18, 2017; Memorandum And Order (Doc. #159).

IT IS THEREFORE ORDERED that defendant's Motion For Reconsideration (Doc. #161) filed August 14, 2017 is **OVERRULED**.

Dated this 6th day of November, 2017 at Kansas City, Kansas.

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