

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

United States of America,

Plaintiff,

v.

Case No. 11-40046-01-JWL

James Justin Woods,

Defendant.

MEMORANDUM & ORDER

On November 2, 2015, defendant James Justin Woods filed a motion for an extension of time to file a § 2255 petition in which he seeks an extension of “one year from today’s date.” In support of his motion, Mr. Woods alleges that his prison facility has been on lockdown on three occasions since April 20, 2015 and that he has a learning disability that prevents him from fully understanding the legal research that he has obtained.

The motion is denied. A district court is generally prohibited from extending the deadline for filing a § 2255 petition. *See Washington v. United States*, 2000 WL 985885, at *1-2 (10th Cir. July 18, 2000) (affirming district court’s denial of motion for extension of time to file § 2255 petition; extension contravenes Congress’s intent to accelerate the federal habeas process). An extension may be granted for “rare” or “exceptional” circumstances, *see id.*, but general allegations concerning an inability to access legal materials during a lockdown or a lack of sufficient legal knowledge do not rise to the level of rare and exceptional circumstances. *See United States v. Sterling*, 1999 WL 1020855, at *1 (10th Cir. Nov. 10, 1999) (inability to access materials for thirty-one days did not warrant extension); *Washington*, 2000 WL 985885, at *1

(conclusory allegations that defendant lacked a good understanding of the law not sufficient to warrant extension). In his motion, Mr. Woods does not specify the number of days that he has not had access to legal materials and he does not articulate any steps that he has taken to diligently pursue his claims. Moreover, it appears from the record that Mr. Woods' deadline for filing his petition is not until April 19, 2016—one year from the date when the Supreme Court denied certiorari. Mr. Woods does not indicate why he would not have sufficient time to file his petition by that date. For these reasons, the motion is denied.

IT IS THEREFORE ORDERED THAT defendant's motion for extension of time (doc. 526) is denied.

IT IS SO ORDERED.

Dated this 5th day of November, 2015, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge