

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LESTER JON RUSTON,

Plaintiff,

v.

CASE NO. 11-3003-SAC

UNITED STATES OF AMERICA,  
et al.,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the court on plaintiff's motion for reconsideration (Doc. 22) filed pursuant to Fed.R.Civ.P. 60(b).

The court dismissed this matter on September 7, 2011 (Doc. 14), finding plaintiff failed to state a claim upon which relief may be granted. Plaintiff's appeal was dismissed as frivolous on January 20, 2012.

"A case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Hain v. Mullin*, 327 F.3d 1177, 1180 (10th Cir.2003)(quotations omitted). Here, because plaintiff's appeal has been resolved against him, the motion for reconsideration is moot. This court can provide no additional relief.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for reconsideration (Doc. 22) is denied as moot.

A copy of this order shall be transmitted to the plaintiff.

**IT IS SO ORDERED.**

DATED: This 25<sup>th</sup> day of January, 2012, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge