

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-40057-01-DDC

JONATHAN KEARN (01),

Defendant.

MEMORANDUM AND ORDER

In Doc. 161, defendant Jonathan Kearns has filed a Motion to Amend his pending Motion to Vacate (Doc. 157). The court concludes that Mr. Kearns has shown adequate cause for the relief he seeks. Moreover, his motion to amend does not appear to present any of the successive § 2255 filing issues like those addressed in *United States v. Nelson*, 465 F.3d 1145, 1148 (10th Cir. 2006) (motions to amend filed after judgment entered not permitted unless judgment set aside or vacated under Rule 59(e) or 60(b)).

Therefore, the court grants Mr. Kearns's Motion to Amend (Doc. 161). The court directs the Clerk of the Court to file Doc. 161-1 (attached to Doc. 161) and designate it as Mr. Kearns's Amended Motion under 28 U.S.C. § 2255.

In addition, the court extends the government's deadline for responding to the § 2255 motion. *See* Doc. 159. The government's deadline for responding to Mr. Kearns's amended motion (Doc. 164) is extended to June 28, 2019.

IT IS SO ORDERED.

Dated this 24th day of May, 2019, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge