

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TEILL S. REYNOLDS,

Plaintiff,

v.

CASE NO. 14-3228-SAC

SHANE WRIGHT,

Defendant.

MEMORANDUM AND ORDER

This matter, a civil rights action filed under 42 U.S.C. § 1983 by a prisoner in state custody, comes before the court on plaintiff's motion for relief from judgment. For the reasons that follow, the court denies the motion.

Background

Plaintiff filed this action on December 12, 2014, against a Kansas City, Kansas, police officer alleging false arrest/imprisonment, illegal search and seizure, and malicious prosecution. The court dismissed this matter on December 1, 2015, and the U.S. Court of Appeals for the Tenth Circuit affirmed the decision on June 8, 2016. *Reynolds v. Wright*, 647 Fed. Appx. 838, 2016 WL 2865738 (10th Cir. May 17, 2016).

On August 4, 2020, plaintiff filed a motion to reopen this case; the court denied that motion on the following day. On August 13, 2020, plaintiff filed the present motion for relief from judgment, alleging that the decision of the Kansas Court of Tax Appeals (KCOTA) is void.

Analysis

Plaintiff seeks relief under Federal Rule of Civil Procedure 60(b)(4). Rule 60(b)(4) allows a court to relieve a party from a final

judgment if "the judgment is void." Fed. R. Civ. P. 60(b)(4). A motion under this subsection must be brought "within a reasonable time." Fed. R. Civ. P. 60(c)(1). "A judgment is void under Rule 60(b)(4) 'only in the rare instance where [the] judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard.'" *Johnson v. Spencer*, 950 F.3d 680, 694 (10th Cir. 2020) (quoting *United Student Aid Funds v. Espinosa*, 559 U.S. 260, 270 (2010)).

Having considered the record, the Court concludes plaintiff is not entitled to relief. His claim against the KCOTA is unrelated to his claims against the Kansas police officer who is the sole defendant in this action, and this court has no jurisdiction under Rule 60(b) to consider a decision by the KCOTA, a state court. It appears this motion is an attempt to obtain review of a related argument that has been considered, and rejected, by the Kansas Court of Appeals. See *Reynolds v. Kansas City*, 440 P.3d 626 (Table), 2019 WL 2064497, at *4 (Kan. Ct. App. 2019) (declining to consider plaintiff's claims against the Kansas Department of Revenue and the KCOTA due to his failure to include citations to the record).

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for relief from judgment (Doc. 22) is denied.

IT IS SO ORDERED.

DATED: This 5th day of October, 2020, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge