

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

**CHATHA M. TATUM,**

**Petitioner,**

v.

**CASE NO. 19-3228-JWL-JPO**

**TOMMY WILLIAMS, Warden,  
El Dorado Correctional Facility,**

**Respondent.**

**MEMORANDUM AND ORDER**

This matter is a pro se petition for habeas corpus filed under 28 U.S.C. § 2254. On October 31, 2022, the Court entered a Memorandum and Order (Doc. 76) dismissing the petition and denying the issuance of a certificate of appealability. This matter is before the Court on the Motion by Petitioner for Extension of Time to File Response to Memorandum Decision (Doc. 78).

Petitioner seeks an extension of time to file a motion under Fed. R. Civ. P. 59(e). The rule provides that “[a] motion to alter or amend a judgment *must* be filed *no later than* 28 days after entry of the judgment.” Fed. R. Civ. P. 59(e) (emphasis added). Rule 6 provides that “[a] court must not extend the time to act under Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).” Fed. R. Civ. P. 6(b)(2). Thus, the time for filing the motion “is short—28 days from entry of judgment, with no possibility of an extension.” *Banister v. Davis*, 140 S. Ct. 1698, 1703 (2020); *see also Solidfx, LLC v. Jeppesen Sanderson, Inc.*, 823 F. App’x 559, 568 n. 4 (10th Cir. 2020) (“[A] court may not extend the time to act under Rule 59(e).”) (citing Fed. R. Civ. P. 6(b)(2) and *Weitz v. Lovelace Health Sys., Inc.*, 214 F.3d 1175, 1179 (10th Cir. 2000)); *see*

*also Burden v. Suthers*, 303 F. App'x 612, (10th Cir. 2008) (noting in habeas action under § 2254 that district court denied request to extend the time to file a Rule 59(e) motion “because courts have no discretion to grant such an extension”).

Because extensions to file a motion to alter or amend a judgment under Rule 59(e) are not allowed, Petitioner’s motion is denied.

**IT IS THEREFORE ORDERED BY THE COURT** that the Motion by Petitioner for Extension of Time to File Response to Memorandum Decision (Doc. 78) is **denied**.

**IT IS SO ORDERED.**

**Dated November 17, 2022, in Kansas City, Kansas.**

**S/ John W. Lungstrum**  
**JOHN W. LUNGSTRUM**  
**UNITED STATES DISTRICT JUDGE**