

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

James Nicholas Atkins v. State of Kansas, et al.

Atkins · No. 23-3099-JWL · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Kansas denied James Nicholas Atkins’s second motion to reopen his dismissed 42 U.S.C. § 1983 action. Treating the motion as one under Federal Rule of Civil Procedure 60(b), the court held that Atkins had not shown exceptional circumstances or any other basis warranting relief from the judgment.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 13, 2026
DOCKET	23-3099-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to reopen a previously dismissed § 1983 action. Because the motion was filed more than 28 days after judgment, the court treated it as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) and denied it.
STANDARD OF REVIEW	Relief under Rule 60(b) is extraordinary and available only in exceptional circumstances; the decision whether to grant such relief is committed to the court's discretion.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential
PARTIES	James Nicholas Atkins v. State of Kansas, et al.

TOPICS

[motion for reconsideration](#) [civil procedure](#) [section 1983](#) [prisoners rights](#)

PRACTICE AREAS

[civil procedure](#) [civil rights](#) [prisoner civil rights](#)

QUESTIONS PRESENTED

1. Whether Plaintiff's motion to reopen, filed more than 28 days after judgment, should be treated as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
2. Whether Plaintiff demonstrated grounds warranting relief from judgment under Rule 60(b).

HOLDINGS

1. A motion to reopen filed more than 28 days after entry of judgment is treated as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b), rather than as a motion to alter or amend the judgment under Rule 59(e).
2. Plaintiff was not entitled to relief from the judgment under Rule 60(b) because he did not identify a subsection or establish circumstances warranting reopening the case.

KEY QUOTATIONS

“A Rule 60(b) motion provides extraordinary relief which “may only be granted in exceptional circumstances.””

“Revisiting issues already addressed “is not the purpose of a motion to reconsider,” and “advanc[ing] new arguments or supporting facts which were otherwise available for presentation when the original . . . motion was briefed” is likewise inappropriate.”

FACTUAL BACKGROUND

Plaintiff alleged that he suffered burns to his shoulder, chest, and face and was housed at Lansing Correctional Facility with an inmate serving a life sentence. He asserted that the case was dismissed because the court had not received his medical records, but the court clarified that the prior dismissal was for failure to state a claim. Plaintiff filed the second motion to reopen approximately two and a half years after the action was dismissed.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil rights action while incarcerated at Lansing Correctional Facility and was granted leave to proceed in forma pauperis. The court dismissed the action on May 23, 2023, for failure to state a claim. Plaintiff filed a first motion to reopen in November 2025, which was denied; after that order was returned as undeliverable, he filed a second motion to reopen on January 9, 2026. The court denied the second motion because Plaintiff did not establish a basis for Rule 60(b) relief or justify reopening the case approximately two and a half years after dismissal.

DISPOSITION

other

CASES CITED

- Weitz v. Lovelace Health System Inc., 214 F.3d 1175, 1178 (10th Cir. 2000)
- Amoco Oil Co. v. United States Environmental Protection Agency, 231 F.3d 694, 697 (10th Cir. 2000)

- *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1009 (10th Cir. 2000)
- *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991)

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