

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STACEY D. PRIER,

Plaintiff,

vs.

Case No. 04-1387-JTM

GARY E. STEED, SEDGWICK COUNTY  
SHERIFF,

Defendant.

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MEMORANDUM AND ORDER

This matter is before the court following the determination of the Court of Appeals that no case or controversy existed in the present matter which would create jurisdiction under Article III. (Dkt. No. 24).

The court notes that the plaintiff has submitted a Motion to Vacate Judgment in which she asks the court to effectively rescue her from the effects of the Court of Appeals ruling and the settlement agreement entered into between the parties. The plaintiff asks that the court vacate its earlier summary judgment orders of May 17, 2005 and May 25, 2005 in favor of the defendant, and void the settlement agreement between her and the defendant on the grounds of mutual mistake. (Dkt. No. 25, 26).

Plaintiff's motion is denied. First, the court is without jurisdiction in the matter, regardless of the parties' private intentions. (Dkt. No. 24, at 10-11). Even if the court were to retain jurisdiction, plaintiff has failed to demonstrate the existence of a mistake justifying voiding the settlement agreement. That agreement was entered into by the parties after this court had initially dismissed the case on November 5, 2004, noting the problems with the exercise of jurisdiction. Any subsequent agreement by the parties, undertaken at the advice of counsel, had to take the prospect

of further adverse jurisdictional rulings into account, as well as the ample, published federal precedents restricting the exercise of jurisdiction in the absence of case or controversy. *See Ins. Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982); *United States v. Johnson*, 319 U.S. 302, 305 (1943). Plaintiff has failed to demonstrate any extraordinary circumstances which would entitle her to relief under Fed.R.Civ.Pr. 60.

IT IS ACCORDINGLY ORDERED this 14<sup>th</sup> day of December, 2006 that the plaintiff's Motion to Vacate (Dkt. No. 25) is denied. The court is without jurisdiction to entertain the present case and the matter is hereby dismissed.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE