

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

ROBERT L. LEWIS and MARY C. LEWIS,)

Plaintiffs,)

v.)

No. 04-2366-CM

**STATE OF KANSAS and KANSAS STATE)
BANK COMMISSIONER OFFICE,)**

Defendants.)

MEMORANDUM AND ORDER

This case is before the court on plaintiff Robert L. Lewis's¹ Objection to Court's Decision Without Defendant's [sic] Completed Response to Court Orders Based upon Fed. R. Civ. P. 60(b) (Doc. 52). Plaintiff has previously filed several motions seeking reconsideration of the court's May 24, 2005 Memorandum and Order dismissing this case. The court denied plaintiffs' most recent motion on February 27, 2007. Plaintiff objects to the court's February 2007 order, arguing that the order was issued without a response from defendants. This, however, is incorrect. On January 11, 2007, the court ordered defendants to (1) show cause by January 16, 2007 why plaintiffs' motion should not be granted and (2) file a response to plaintiffs' motion on or before January 23, 2007. On January 17, 2007, defendants filed a response to the show cause order, which included defendants' response to plaintiffs' motion. The court considered defendants' response when it denied plaintiffs' most recent motion to reconsider the court's May 2005 order. The court, therefore, overrules

¹ The court notes that this pleading was signed and filed only by Robert L. Lewis. Because Mr. Lewis is *pro se* and cannot represent his co-plaintiff, this objection is filed only on his behalf.

plaintiff's objection.

In his objection, plaintiff again asks the court to reconsider "the merits of this case as it was first presented, and then ruled upon." Pl.'s Obj. at 1. Plaintiff's objection to the February 2007 order is not the appropriate vehicle for reconsideration of the court's previous ruling dismissing this case. And, in any event, the pleading provides no basis on which the court can modify the outcome of this case. The facts warranting the original dismissal have not changed, and plaintiff fails to offer the court a valid reason to alter or amend judgment under Fed. R. Civ. P. 60(b). Plaintiff's most recent filing raises no new facts, issues, or law that would change the court's determination that it lacks jurisdiction over plaintiffs' claims.

Plaintiff has filed more than six motions asking, in one form or another, for the court to reconsider its May 2005 order. Additional motions are not encouraged. If plaintiff still feels aggrieved by the court's order he should evaluate whether an appeal to the Tenth Circuit Court of Appeals is available and/or appropriate.

IT IS THEREFORE ORDERED that plaintiff's Objection to Court's Decision Without Defendant's [sic] Completed Response to Court Orders Based upon Fed. R. Civ. 60(b) (Doc. 52) is overruled.

Dated this 10th day of April 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge