

**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

On December 21, 2007, the court imposed sanctions on defendant Robert L. Lewis,¹ prohibiting him from filing any additional motions or pleadings that either (1) request the court to reconsider its May 2005 Order dismissing this case for lack of jurisdiction or (2) request a decision on the merits of this closed case (Doc. 61). In its order imposing sanctions, the court gave plaintiff fifteen days to object to the sanctions. On January 9, 2008, plaintiff responded to the court's order imposing sanctions by filing a Motion to Oppose Court Ordered Sanctions Against Plaintiff and Objections to Court Denials in Accordance to FRCP Rule 11 (Doc. 64). On January 16, 2008, the court denied plaintiff's motion to oppose, finding that plaintiff's motion and objections to the court's sanctions were without merit and holding that the sanctions remained in place (Doc. 65).

On June 9, 2008 plaintiff filed a Motion for Court to Remove the Sanctions in Respect of Evidence Presented by Plaintiff in Accordance to Fed. R. Civ. P. Rule 11, 52 (b), 60(b), and 28

¹ As the court has previously noted, Mr. Lewis is *pro se* and cannot represent his co-plaintiff. All documents signed and filed solely by him are filed on his behalf only.

U.S.C. § 1343 (Doc. 72), requesting that the court reconsider its order denying his motion to oppose. The court denied plaintiff's motion (Doc. 73) on July 11, 2008. On July 22, 2008, plaintiff filed the pending motion (Doc. 74) objecting to the court's July 11, 2008 order. Plaintiff argues that the sanctions imposed on December 21, 2007 "are nothing more than a barrier to protect the defendants, and the Kansas Attorney General's Office (defense), that deprives the plaintiff from reiterating the error of decision made by this court." (Pl.'s Aff. 2.) Plaintiff's pleading appears to be a second motion to reconsider the December 21, 2007 sanctions.

As the court explained in its previous orders, the court lacks authority to grant the relief plaintiff seeks in this case because it lacks jurisdiction over plaintiff's claims. The imposed sanctions prohibit plaintiff from continuing to file repetitious or frivolous filings requesting the court to consider issues over which it lacks jurisdiction. As set forth in the court's December 21, 2007 Memorandum and Order, the court sanctioned plaintiff because he is abusing the judicial process—at the time the sanctions were imposed, he had filed more than ten motions to reconsider the order dismissing the case. After reviewing the record, the court finds that the December 21, 2007 sanctions are proper and remain in place.

Despite the previously imposed sanctions, plaintiff's abuse of the judicial process continues. Plaintiff is warned that any further repetitious or frivolous filings, including those that (1) violate the court's December 21, 2007 Memorandum and Order or (2) request that the court reconsider its December 21, 2007 Memorandum and Order, may result in the imposition of sanctions against him or further filing restrictions.

IT IS THEREFORE ORDERED that plaintiff's second request that the court reconsider its December 21, 2007 Memorandum and Order (Doc. 74) is denied.

Dated this 8th day of August 2008, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge