

**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 plaintiff 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 a second motion to reconsider the December 21, 2007 sanctions (Doc. 74). The court denied plaintiff's motion on August 8, 2008. In its August 8, 2008 Memorandum and Order, the court warned plaintiff that 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, could result in the imposition of sanctions against him or further filing restrictions. Despite the court's orders, plaintiff continues to abuse the judicial process by filing repetitious and frivolous filings. The case is currently pending before the court on plaintiff's Motion for Court to Reverse Decision and Remove Sanctions to Not Allow Manifest Injustice in Accordance to Rules 9, 11, and 28 U.S.C. § 1334 (Doc. 77), in which he again asks the court to remove the imposed sanctions.

The court has explained many times in its previous orders that it lacks authority to grant plaintiff the relief he seeks in this case because the court lacks jurisdiction over plaintiff's claims. 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. This case was dismissed on May 24, 2005, more than three years ago. Plaintiff cannot continue to abuse the judicial process. Because plaintiff refuses to accept the court's orders, the court is imposing additional sanctions against plaintiff. Plaintiff is prohibited from filing any further pleadings in this action. All future pleadings plaintiff Robert L. Lewis sends to the clerk's office for filing in this action will be returned to plaintiff unfiled.

IT IS THEREFORE ORDERED that plaintiff's Motion for Court to Reverse Decision and Remove Sanctions to Not Allow Manifest Injustice in Accordance to Rules 9, 11, and 28 U.S.C. § 1334 (Doc. 77) is denied.

IT IS FURTHER ORDERED that plaintiff is prohibited from filing any pleadings in this action. All future pleadings plaintiff Robert L. Lewis sends to the clerk's office for filing in this action will be returned to plaintiff unfiled.

Dated this 4th day of September 2008, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge