

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

**THOMAS E. SCHERER,**

**Plaintiff,**

**v.**

**MERCK & CO., DAVID R. BARRY/  
UNITED STATES OF AMERICA, and  
STATE OF KANSAS,**

**Defendants.**

**No. 05-2019-CM**

**ORDER**

Plaintiff Thomas E. Scherer brought this pro se action against defendants Merck & Co., David R. Barry/United States of America, and the State of Kansas. The court dismissed this case on January 18, 2006. Plaintiff has no pending appeals in the Tenth Circuit. The case is before the court on plaintiff's "Motion for a Hearing in Person Related, but not Limited to the Magistrate Order Dated January 30, 2007"<sup>1</sup> (Doc. 202). A hearing in this case would not serve any purpose because plaintiff has no pending claims.

**IT IS THEREFORE ORDERED** that plaintiff's "Motion for a Hearing in Person, Related, but not Limited to the Magistrate Order Dated January 30, 2007" is denied.

Dated this 2nd day of April 2007, at Kansas City, Kansas.

s/ Carlos Murguia

**CARLOS MURGUIA**

---

<sup>1</sup> The Docket Sheet reveals that an order was not issued on or around January 30, 2007 in this case.

**United States District Judge**