

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

LISA GRAHAM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-3397-JTM
	)	
NATHAN VAN DYKE, et al.	)	
	)	
Defendants	)	
	)	
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**ORDER**

**NOW ON** this day of May, 2007, the following motions come before the Court for determination: (1) Plaintiff's Motion for Reconsideration of the Court's Order of February 23, 2007 (Doc. 13); (2) Defendants Motion to Strike Plaintiff's Motion for Reconsideration (Doc. 16); (3) the Department of Correction's motion for an extension of time for the preparation of the Martinez v. Aaron Report (Doc. 41); and (4) Plaintiff's Motion to Strike Motion for Extension of Time to File Martinez report. Upon review of the Court's file, the Court finds:

Plaintiff's Motion for reconsideration is DENIED. Plaintiff has not identified any ground for reconsideration of Judge Crow's February 23, 2007 Order. Defendants' Motion to Strike the Motion for Reconsideration is also DENIED. The grounds cited by Defendant to strike the motion was that Plaintiff had filed an appeal to the Tenth Circuit which ousted this Court of further jurisdiction. That appeal, however, has now been dismissed (Doc. 16) and this Court clearly has jurisdiction to rule (and in fact has ruled) on Plaintiff's Motion for Reconsideration. The motion by the Department of Corrections for an extension of thirty (30) days for the preparation of the Martinez v. Aaron Report is GRANTED, and Plaintiff's Motion to Strike the motion for extension of time to file a Martinez v. Aaron Report is DENIED. The Department of

Corrections shall prepare and file the Martinez v. Aaron on or before **May 23, 2007**. After the report has been filed the Court will set a schedule for additional proceedings in this case.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 4<sup>th</sup> day of May, 2007.

s/ DONALD W. BOSTWICK  
United States Magistrate Judge