

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

Sterling Thompson et al.,

Plaintiffs,

v.

Case No. 06-2460-JWL

Jerry Berg et al.,

Defendants.

MEMORANDUM & ORDER

In July 2007, the court entered judgment in this civil case following plaintiffs' voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). Plaintiff Sterling Thompson, appearing pro se, has now filed a motion for hearing (doc. 31) in which he seeks a status conference regarding issues in the case. The court lacks jurisdiction to consider the motion. Once a Rule 41(a)(1) dismissal has been filed, "the district court loses jurisdiction over the dismissed claims and may not address the merits of such claims or issue further orders pertaining to them." *Netwig v. Georgia Pac. Corp.*, 375 F.3d 1009, 1011 (10th Cir. 2004) (citations and internal quotations omitted). As the Circuit explained in *Netwig*, "the filing of a Rule 41(a)(1)(i) notice itself closes the file" and leaves "the parties as though no action had been brought." *Id.* The court, then, cannot take any action on the motion filed by plaintiff.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's motion for hearing (doc. 31) is dismissed for lack of jurisdiction.

IT IS SO ORDERED.

Dated this 25th day of May, 2021, at Kansas City, Kansas.

s/ John W. Lungstrum _____

John W. Lungstrum
United States District Judge