

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KAMAL K. PATEL,  
and K&A MOTEL, INC.,

Plaintiffs,

v.

Case No. 10-2403-JTM

DAVID SNAPP, *et al.*,

Defendants.

MEMORANDUM AND ORDER

The court has before it pro se plaintiff Kamal K. Patel's Motion for Reconsideration (Dkt. 408). On December 30, 2013, the court granted summary judgment to the defendants on Patel's claim. *See* Dkt. 403. In his motion, Patel asks the court to clarify whether it intended its order to dismiss the case with or without prejudice. Patel argues that when a court dismisses a case because the plaintiff lacks standing, the dismissal is without prejudice, citing *Brereton v. Bountiful City Corp.*, 434 F.3d 1213 (10th Cir. 2006).

Patel's argument does not apply here. The court did not enter an order dismissing the case for lack of standing. Rather, the court granted summary judgment on the claim to the defendants. An order granting summary judgment terminates the claim with prejudice. *See Wheeler v. Hurdman*, 825 F.2d 257, 259 n.5 (10th Cir. 1987) ("A grant of summary judgment resolves the issue on the merits and this is with prejudice."). The court's order resolved Patel's claim with prejudice. Accordingly, the court denies Patel's motion.

IT IS THEREFORE ORDERED this <sup>24<sup>th</sup></sup> \_\_\_ day of January, 2014, that Patel's Motion  
for Reconsideration (Dkt. 408) is denied.

s/ J. Thomas Marten  
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J. THOMAS MARTEN, JUDGE