

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALEX HUAQIANG LEO,
Plaintiff,

vs.

Case No. 10-2495-JTM

GARMIN INTERNATIONAL, INC.,
Defendant.

MEMORANDUM AND ORDER

Three motions are now before the court in this action by *pro se* plaintiff Alex HuaQiang Leo. In the first two, Leo seeks reconsideration of the court's Order of April 15, 2011. (Dkt. 53, 54). That Order was itself a denial of plaintiff Leo's previous series of motions (Dkt. 43, 50, 51) seeking reconsideration or alteration of the court's original March 22, 2011 Order (Dkt. 40), finding that the claims Leo seeks to present here are barred by the doctrine of *res judicata*. By the same April 15, 2011 Order, the court also granted defendant Garmin's Motion for Attorney Fees.

Also before the court is Garmin's Motion for Contempt of Court Order. Garmin contends that Leo has violated the court's March 22 Order, which enjoined Leo from filing "any further legal actions which raise claims which were, or could have been raised, in *Leo I* [Case No. 09-2139-KHV], without prior leave of this court." (Dkt. 40, at 5). Specifically, Garmin notes that Leo — on the same day that he filed his fourth and most recent motion for reconsideration in this case — also

filed a Motion for Relief from Judgment in *Leo I*, seeking to resurrect various claims. Garmin therefore seeks an additional \$3,445 in attorney fees for filing its present motion.

The court hereby denies the request for a finding of contempt. Read in the light most favorable to the *pro se* plaintiff, the court's March 22 Order precluded Leo from filing new legal actions, but did not directly preclude him from attempting to obtain post-judgment relief in an already-filed action. Leo's Motion for Relief from Judgment in *Leo I* is most appropriately resolved by the judge assigned in that action.

Leo's most recent Motions for Reconsideration raise various issues, but all of these are issues which were or could have been raised in his prior motions for post-judgment relief, and those motions are accordingly denied under the standards previously stated by the court. The plaintiff is specifically cautioned and advised that any further request for post-judgment reconsideration, alteration, or modification of the court's Order may authorize the award of additional monetary sanctions.

IT IS ACCORDINGLY ORDERED this 21st day of April, 2011, that plaintiff's Motions for Reconsideration (Dkt. 53, 54) and defendant's Motion for Contempt Order (Dkt. 55) are hereby denied.

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