

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

GENE PATRICK GILBERT,

Plaintiff,

v.

STEVEN SPIELBERG, et al.,

Defendants.

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CIVIL ACTION

No. 10-4033-KHV

ORDER

On April 14, 2010, Magistrate Judge K. Gary Sebelius ordered plaintiff to show cause by May 5, 2010 why his claims should not be dismissed for failure to state a claim. On April 19, 2010, plaintiff filed a response. On May 7, 2010, the Court dismissed this action for lack of subject matter jurisdiction but granted plaintiff leave to amend by May 25, 2010. Plaintiff did not seek leave to amend. This matter is before the Court on plaintiff's Motion For Trial (Doc. #10) and Motion For Order [To Compel Discovery] (Doc. #11), both filed July 21, 2010.

Plaintiff's motions do not address why he did not seek leave to amend by May 25, 2010 or explain how this Court has subject matter jurisdiction over his claims. In his form complaint, plaintiff states that jurisdiction for his case is on "other grounds," Civil Complaint (Doc. #1) filed March 31, 2010 at 3, but he does not specify any statute which gives rise to such grounds. Because this case is closed and plaintiff has not shown that the Court has subject matter jurisdiction over his claims, the Court overrules plaintiff's motion for trial (Doc. #10) and his motion for order to compel discovery (Doc. #11).

IT IS THEREFORE ORDERED that plaintiff's Motion For Trial (Doc. #10) filed July 21, 2010 be and hereby is **OVERRULED**.

IT IS FURTHER ORDERED that plaintiff's Motion For Order [To Compel Discovery]
(Doc. #11) filed July 21, 2010 be and hereby is **OVERRULED**.

Dated this 3rd day of August, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge