

DJW/1

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

RAYMOND E. SOMMERVILLE,

Plaintiff,

CIVIL ACTION

v.

No. 10-4119-KHV-DJW

REPUBLIC COUNTY HOSPITAL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's "Motion to Remove from Lower Court Until This Matter Is Resolved" (ECF No. 15). As is explained in more detail below, the Court denies Plaintiff's motion for failure to comply with Federal Rule of Civil Procedure 7(b)(1) and D. Kan. Rules 7.1. and 7.6.

Rule 7(b)(1) provides that "[a] request for a court order must be made by motion," and requires that it "(A) be in writing unless made during a hearing or trial; (B) state with particularity the grounds for seeking the order; and (C) state the relief sought."¹ The Court finds that Plaintiff's motion does not set forth a valid, understandable request for relief or for order, as required by Rule 7(b)(1). In addition, the motion does not comply with D. Kan. Rules 7.1 and 7.6., in that it is not accompanied by a memorandum which sets forth a statement of the nature of the matter before the Court, a factual statement, a statement of the question(s) presented, a section containing Plaintiff's arguments, and the legal authorities upon which Plaintiff relies.²

¹Fed. R. Civ. P. 7(b)(1).

²D. Kan. Rules 7.1 & 7.6.

The Court recognizes that Plaintiff is proceeding in this action pro se and that the Court must construe pro se pleadings liberally. Even applying this liberal standard, however, the Court is unable to determine what relief Plaintiff seeks in his motion. The motion is therefore denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Remove from Lower Court Until This Matter Is Resolved (ECF No. 15) is denied.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 14th day of December 2010.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties