

**6/30/2017 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

MIKE D. MATSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 11-3192-KHV
	)	
JOEL HRABE,	)	
	)	
Defendant.	)	

**ORDER**

This matter comes before the court upon plaintiff’s Motion for Protective Order (ECF No. 252) and Amended Motion for Protective Order (ECF No. 253). For the following reasons, these motions are dismissed for lack of jurisdiction.

Plaintiff, proceeding *pro se*, filed this civil rights action against State of Kansas, the Kansas Department of Corrections and several individual defendants in 2011. He alleged, *inter alia*, that he had been illegally transferred within the Norton Correctional Facility (“NCF”) for retaliatory reasons. On January 23, 2014, Judge Richard D. Rogers granted summary judgment against plaintiff’s claims. This decision was affirmed by the Tenth Circuit Court of Appeals on May 22, 2015.

On June 9, 2017, plaintiff filed his motion for protective order. In this motion, plaintiff, who is now incarcerated at El Dorado Correctional Facility, sought an order enjoining the defendants from transferring him back to NCF. On June 12, 2017, plaintiff filed his amended motion for protective order. In this motion, plaintiff sought similar relief and pointed to a newspaper article as support for his motion.

This case has been closed since 2015. The facts warranting the original summary judgment have not changed, and plaintiff’s current motions give the court no basis to reopen the

case or to modify its outcome. There is no case or controversy before the court. New claims cannot properly be litigated in a post-judgment motion.<sup>1</sup> Accordingly, the court lacks jurisdiction to consider plaintiff's motions.<sup>2</sup>

Accordingly,

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Protective Order (ECF No. 252) and Amended Motion for Protective Order (ECF No. 253) are dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 30th day of June, 2017, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge

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<sup>1</sup> *Kinnell v. Sec'y of Veterans Affairs*, No. 98-3112-SAC, 2009 WL 902362, at \*2 (D.Kan. March 31, 2009).

<sup>2</sup> *Wedel v. Centera Bank*, No. 10-1069-CM, 2010 WL 3075340, at \*1 (D.Kan. Aug. 4, 2010).