

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

**D.J. YOUNG PUBLISHING CO., LLC,
by WILLIAM YOUNG,**

Plaintiff,

v.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS,
TIMOTHY ORRICK, NATHANIEL BARNES,
JOE REARDON, R. WAYNE LAMPSON,
KATHERINE LYNCH, MIDLAND
WRECKING INC. AND JUANDA
HENDERSON,**

Defendants.

CIVIL ACTION

No. 12-CV-2011-KHV

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff's Later Filed Motion (Doc. #35) filed October 19, 2012. Plaintiff states that certain defendants have not timely responded and should pay him \$2.7 billion dollars for intentional destruction of historical artifacts. Id. at 1.

On September 18, 2012, the Court dismissed this case for failure to state a claim. Memorandum And Order (Doc. #28). Specifically, the Court found that under 28 U.S.C. § 1915(e)(2)(B)(I)-(iii) and Rule 12(b)(6), Fed. R. Civ. P., plaintiff's amended complaint and second amended complaint failed to state a claim for relief. Memorandum And Order (Doc. #28) at 5-6. The Court dismissed the case as to all defendants.¹ Id. at 6. Three days later, on September 21, 2012, plaintiff filed a notice of appeal. See Notice Of Appeal Of [sic] The

¹ Three defendants filed motions to dismiss (the Unified Government of Wyandotte County/Kansas City, Kansas, Commissioner Nathaniel Barnes and CEO Mayor Joe Reardon) but the Court found that plaintiff failed to state a claim as to any defendant. See Memorandum And Order (Doc. #28). On October 22, 2012, the Court entered judgment in the case. Judgment In A Civil Case (Doc. #36).

U.S. Court Of Appeals For The Tenth Circuit (Doc. #29). The filing of the notice of appeal conferred jurisdiction on the Tenth Circuit Court of Appeals and divested this Court of its control over those aspects of the case involved in the appeal. See Stewart v. Donges, 915 F.2d 572, 574-75 (10th Cir. 1990). Accordingly, the Court lacks jurisdiction to grant the relief requested in plaintiff's motion.

IT IS THEREFORE ORDERED that plaintiff's Later Filed Motion (Doc. #35) filed October 19, 2012 be and hereby is **OVERRULED**.

Dated this 29th day of October, 2012 at Kansas City, Kansas.

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