IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HENRY F. BUTLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 13-1043-EFM
	)	
THE BOEING COMPANY, and SPIRIT AEROSYSTEMS,	)	
	)	
	)	
Defendants.	)	
	)	

MEMORANDUM AND ORDER

Pro Se Plaintiff previously filed a Motion for Stay or Dismissal (Doc. 4) which this Court denied (Doc. 7). Plaintiff has now filed a motion entitled: "Pro Se Plaintiff's Motion to Respectfully Decline the Court's Order Regarding Planning and Scheduling and 'Renew' Request for Order of Stay/Dismissal Without Prejudice" (Doc. 12). For case management purposes, this motion is being treated as two motions: as a motion to stay the case (Doc. 11), assigned to the magistrate judge, and as a motion for reconsideration of the court's earlier ruling (Doc. 12), assigned to this district judge.

Plaintiff's earlier motion requested a stay until he could obtain counsel. His present motion asserts that "Plaintiffs (sic) are pro se through no fault of their own" and complains of the difficulty he is having in finding counsel to represent him, the necessity of counsel in his opinion, and his opinions as to why no counsel wants to take his case. He states that he "respectfully wished to decline participation in any civil litigation until such time the offices of authority petitioned have conducted an impartial, adequate investigation of plaintiff's valid allegations." He further states that: "In the alternative of an unfavorable ruling, pro se plaintiff

has determined that it is not in his best interest to proceed with [this case], and plaintiff intends to challenge any undesirable ruling rendered by this Court."

As plaintiff, he is the one who commenced this litigation. Therefore, he may not decline participation in it (unless he chooses to dismiss the case, which the Court infers he does not). He alone can decide what is in his best interests, but if he declines participation in the case or declines to proceed with it, he risks the Court issuing an order requiring him to show cause why his case should not be dismissed for lack of prosecution.

Plaintiff's motion for reconsideration does not raise any new arguments, but merely restates and rewords his positions from his initial motion. His motion for reconsideration is therefore denied.

IT IS ACCORDINGLY ORDERED this 18th day of March, 2014, that Plaintiff's Motion for Reconsideration (Doc. 12) is hereby **DENIED.**

IT IS SO ORDERED.

Eric F Melgren

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE