

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WALTER P. WALKER,

Plaintiff,

v.

Case No. 2:16-cv-02502-JTM-TJJ

SHAWNEE MISSION MEDICAL CENTER;
CAMELA NOONAN-GREEN,

Defendants.

MEMORANDUM AND ORDER

The court previously adopted the Magistrate Judge's unopposed Report and Recommendation to dismiss this case without prejudice for lack of subject matter jurisdiction. Dkt. 7. A judgment of dismissal was entered on August 15, 2016. Dkt. 8. The matter is now before the court on a motion by plaintiff Walter Walker "to Refile and/or Reinstate Complaint." Dkt. 9.

Plaintiff states that he encountered various difficulties, including homelessness and mental and physical disabilities, that prevented him from timely addressing the Magistrate's Report. He suggests that he has now addressed the lack of subject matter jurisdiction via a "Corrected 'Civil Cover Sheet'" that asserts a federal question as the basis for this court's jurisdiction. Dkt. 9 at 3-4. He argues that the interests of justice would be served by allowing him to reinstate his complaint.

The court construes plaintiff's motion as one to alter or amend the judgment under Fed.R.Civ.P. 59(e). Although the court has some authority under this rule to

grant relief from a judgment, the problem here is that plaintiff has again failed to indicate any *factual or legal* basis for the exercise of federal subject matter jurisdiction over his claim. Merely indicating on the civil cover sheet that the case involves a federal question does not show that this court has jurisdiction. As the Magistrate Judge previously explained, the complaint appears to allege a claim for medical malpractice, but it sets forth no facts or legal authority that could conceivably support a claim based on this court's federal-question subject matter jurisdiction. Dkt. 5 at 3-4.

IT IS THEREFORE ORDERED this 30th day of September, 2016, that plaintiff's "Motion to Refile or Reinstate Complaint" (Dkt. 9) is DENIED.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE