

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JOSEPH LEE JONES,

Plaintiff,

vs.

Case No. 18-4032-SAC-GEB

GOOGLE LLC, INC.,

Defendant.

**O R D E R**

This case is before the court upon additional motions filed by plaintiff since this court on April 6, 2020 denied plaintiff's motion to alter or amend judgment. As plaintiff has noted, as part of the process of deciding the motion to alter and amend the court granted plaintiff time until April 20, 2020 to show cause why a motion to dismiss filed on April 25, 2018, but not received or responded to by plaintiff, lacked merit. Plaintiff filed two responses (Doc. Nos. 18 and 19) before the court denied the motion to alter or amend and three other pleadings (Doc. Nos. 21, 22 and 23) on or about the date of the court's order.

The rules of the court are to be construed to secure the just, speedy and inexpensive determination of every proceeding. Fed.R.Civ.P. 1. Plaintiff's practice of filing a flurry of separate pleadings is contrary to Rule 1 and the intent of the

court's order giving plaintiff time until April 20, 2020 to file a single response.

This order shall address plaintiff's pleadings at Doc. Nos. 25, 26, 27 and 28. As this case is closed and has been since mid-2018, relief is warranted only if plaintiff's pleadings provide grounds for relief from judgment under Fed.R.Civ.P. 60(b). Plaintiff's pleadings do not demonstrate grounds for relief under Rule 60(b)(1)-(5). A movant seeking relief under Rule 60(b)(6) must show extraordinary circumstances. Gonzalez v. Crosby, 545 U.S. 524, 535 (2005); Allender v. Raytheon Aircraft Co., 439 F.3d 1236, 1242 (10<sup>th</sup> Cir. 2006)(relief under Rule 60(b) is extraordinary and may be granted only in exception circumstances). A Rule 60(b) motion is not a vehicle to rehash or restate previous arguments or to make arguments that could have been made in earlier filings. See Cashner v. Freedom Stores, Inc., 98 F.3d 572, 577 (10<sup>th</sup> Cir. 1996); Berry v. Toms, 2017 WL 1332707 \*1 (D.Kan. 4/11/2017). The same principles apply to motions to reconsider. E.g., Sandlain v. English, 2017 WL 2985885 \*1 (D.Kan. 7/13/2017); Moral v. Grant County Sheriff, 2010 WL 4630435 \*1 (D.Kan. 11/8/2010).

Plaintiff raises arguments in Doc. Nos. 25, 26, 27 and 28 regarding appointment of counsel, joinder and the merits of the case that either have already been raised or could have been raised in earlier pleadings. The arguments fail to provide grounds to

reopen the case or for the court to reconsider the decision not to reopen the case. The arguments and relief requested in Doc. Nos. 25, 26, 27 and 28 are denied. Plaintiff is again discouraged from filing such pleadings in this case going forward.

**IT IS SO ORDERED.**

Dated this 14th day of April 2020, at Topeka, Kansas.

s/Sam A. Crow  
U.S. District Senior Judge