

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHENITHA COMB, et al,

Plaintiffs,

v.

**BENJI'S SPECIAL EDUCATION
ACADEMY, et al,**

Defendants.

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CIVIL ACTION NO. H-10-3498

MEMORANDUM

Plaintiffs have filed a Motion for Clarification, for Relief, For Consolidation or to Reassign. (Doc. No. 73.) Plaintiffs claim that the judgment in this matter is not final because there is a pending Motion for New Trial. (Doc. No. 64.) However, the Motion for New Trial was terminated, and the case was closed on March 28, 2012, when final judgment was entered. (Doc. No. 62.)

The Motion for New Trial was filed pro se by Theaola Robinson on April 25, 2012. (Doc. No. 64.) Ms. Robinson was not a plaintiff in the Original or Second Amended Complaints. (Doc. No. 1; Doc. No. 19.) She was added as a plaintiff in the Third Amended Complaint. (Doc. No. 52), but at a hearing on March 15, 2012, the Court granted Defendants' Motion to Strike the Third Amended Complaint. Therefore, as of March 15, 2012, Ms. Robinson was no longer a party to the case, and she did not have standing to file the Motion for New Trial. (Doc. No. 64.) The Court held a hearing on the Motion for New Trial on May 2, 2012 and subsequently terminated the motion because Ms. Robinson did not have standing to file the motion.

Therefore, there are no pending motions in this matter before the Court. The final judgment entered on March 28, 2012 stands. (Doc. No. 62.) The Court no longer has jurisdiction over this case.

SIGNED this the 18th day of October, 2012.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE