

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 15-cv-01263-PAB

JAMES E. JENNINGS,

Plaintiff,

v.

MICHELE K. LEE, Deputy Under Secretary of Commerce for Intellectual Property, and
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

ORDER

This matter is before the Court on plaintiff's Motion for Relief [Docket No. 23]. In light of plaintiff's pro se status, the Court construes his filings liberally. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 & n.3 (10th Cir. 1991).

In his motion, plaintiff asks the Court to consolidate this case with two others, *Jennings v. Lee*, 15-cv-01248-PAB, and *Jennings v. Lee*, 15-cv-01914-LTB, pursuant to Fed. R. Civ. P. 42(a). Docket No. 23 at 4. Plaintiff has previously filed six motions seeking similar relief.¹ Docket Nos. 15, 16, 17, 18, 20, 21. The Court denied those motions. Docket Nos. 19, 22.

Rule 42(a) of the Federal Rules of Civil Procedure provides that "[i]f actions before the court involve a common question of law or fact, the court may . . .

¹In one of the cases plaintiff seeks to consolidate, *Jennings v. Lee*, 15-cv-01248-PAB, plaintiff has filed four similar motions. Case No. 15-cv-01248, Docket Nos. 18, 20, 22, 25. The Court has denied those motions. Docket Nos. 21, 24, 26.

consolidate the actions.” Fed. R. Civ. P. 42(a)(2). On September 14, 2015, the Court dismissed this case, Docket No. 11 at 2, and on September 18, 2015, final judgment entered for defendants. Docket No. 12. This case is closed. Therefore, this case is not properly considered a pending case for purposes of Fed. R. Civ. P. 42(a). The Court denied plaintiff’s six prior motions to compel on the same grounds. Docket Nos. 19, 22. Plaintiff does not provide any reason why the Court’s prior orders were in error.

Plaintiff’s repeated requests for the same unavailable relief, without addressing the Court’s findings, result in a waste of judicial resources. “Federal courts have the inherent power to regulate the activities of abusive litigants by imposing carefully tailored restrictions in appropriate circumstances.” *Andrews v. Heaton*, 483 F.3d 1070, 1077 (10th Cir. 2007) (citing *Sieverding v. Colo. Bar Ass’n*, 469 F.3d 1340, 1343 (10th Cir. 2006); *Tripati v. Beaman*, 878 F.2d 351, 352 (10th Cir. 1989)). The Court previously informed plaintiff that, should plaintiff continue his pattern of filing nearly-identical requests for relief, the Court would consider whether such sanctions are appropriate. Docket No. 22 at 2.

In light of plaintiff’s renewed request for consolidation of these dismissed actions without addressing the Court’s prior findings or presenting new legal argument, the Court finds that the imposition of filing sanctions in the matters before the Court is appropriate.

Accordingly, it is

ORDERED that plaintiff's Motion for Relief [Docket No. 23] is **DENIED**. It is further

ORDERED that plaintiff is restricted from making further filings in Case Nos. 15-cv-01248-PAB and 15-cv-01263-PAB. It is further

ORDERED that plaintiff may file an objection to the Court's imposition of filing restrictions within 21 days of this order.

DATED July 18, 2017.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge