

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MICHAEL A. ROADENBAUGH,** )  
 )  
 )  
 **Plaintiff,** )  
 )  
 )  
 **v.** )  
 )  
 )  
 **CORRECT CARE SOLUTIONS, et al.,** )  
 )  
 )  
 **Defendants.** )  
 )

**No. 08-2178-CM**

**ORDER**

Plaintiff Michael A. Roadenbaugh brings this action against defendants Correct Care Solutions, *et al.*, alleging a claim pursuant to 42 U.S.C. § 1983 and medical malpractice. The case is before the court on Plaintiff’s Motion for Judgment Of the Pleadings Regarding Motion for Remand (Doc. 34). In this motion, filed December 30, 2008, plaintiff seeks a ruling on his May 5, 2008 motion to remand (Doc. 7). Plaintiff also suggests that, because the court had not yet ordered a medical malpractice screening panel to be convened, defendant’s pending summary judgment motion was unripe. Plaintiff’s motion appears to be based on the mistaken belief that the court has not yet ruled on plaintiff’s May 2008 motion for remand.<sup>1</sup> However, the court ruled on that motion in a Memorandum and Order dated July 7, 2008 (Doc. 18).<sup>2</sup> More recently, the court ruled on plaintiff’s motion to compel a medical malpractice screening panel (Doc. 47). Because the relief

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<sup>1</sup> At the time defendant Correct Care Solutions responded, on December 31, 2008, it apparently shared the belief that the court had not yet ruled on the May 2008 motion.

<sup>2</sup> It appears that plaintiff, who is not subject to electronic notification through the court’s case management system, may not have received a copy of the court’s order. That has since been corrected.

sought in plaintiff's Motion for Judgment Of the Pleadings Regarding Motion for Remand has previously been entered, the court denies the motion as moot.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Judgment Of the Pleadings Regarding Motion for Remand, (Doc. 34), is denied as moot.

Dated this 30th day of June, 2009, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**