

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

<b>PHILIP N. JAAX,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION</b>
	)	
<b>JAYHAWK MARINA, INC., et al.,</b>	)	<b>No: 08-2421-KHV</b>
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on plaintiff Philip N. Jaax’s Motion for Protective Order/Ex-Parte Order of Protection by the Court (Doc. # 43) filed November 17, 2009. Plaintiff, who is proceeding *pro se*, appears to ask the Court to prohibit defendants from filing any motions to dismiss. Specifically, plaintiff asks the Court to enter a protective order “so as not to allow dismissal of any above defendants both corporate and individuals.” Plaintiff’s request contravenes the Federal Rules of Civil Procedure, which dictate the manner and grounds upon which a lawsuit is managed. And, while the Court is mindful of the rule which requires it to liberally construe a pro se plaintiff’s pleadings, see Whitney v. State of New Mexico, 113 F.3d 1170, 1173 (10<sup>th</sup> Cir. 1997), it is not required to construct a legal theory on a plaintiff’s behalf. Id. (citations omitted).

After diligently reviewing plaintiff’s motion, the Court is unable to determine either the legal or factual basis for plaintiff’s request. To the extent plaintiff seeks an order which prohibits defendants from requesting dismissal, plaintiff’s request is both legally unfounded and moot. (See Defendants’ and Counterclaim Plaintiff’s Motion for Judgment on the Pleadings (Doc. # 45), filed December 19, 2008). For this reason, the Court overrules plaintiff’s motion for an *ex parte* protective order.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Protective Order/Ex-Parte Order of Protection by the Court (Doc. # 43) filed November 17, 2009 be and hereby is **OVERRULED**.

Dated this 5th day of January, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil

KATHRYN H. VRATIL

United States District Judge