

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

Fabian Tinner,

Plaintiff,

vs.

Case No. 11-2694-JTM

Farmers Insurance Company,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on pro se plaintiff Fabian Tinner's Motion to Alter and Amend under Fed.R.Civ.Pr. 59(e) (Dkt. 26), which seeks not only reconsideration of the court's prior order dismissing the action (Dkt. 12), but also an award of damages and attorney fees against defendant Farmers Insurance Company. Other than quoting various portions of the court's orders, coupled with the simple statement that in each instance the court "clearly erred and manifests injustice to Plaintiff," Tinner's motion is wholly conclusory. It offers no reasoned basis whatsoever for concluding that any particular ruling was contrary to law.

In this context, the court notes that Tinner has previously challenged the dismissal of the action by means of a Motion for Reconsideration (Dkt. 14), a Motion for Relief from Judgment (Dkt. 17), and a Motion for Writ of Execution (Dkt. 19). All of these motions were duly denied by the court. (Dkt. 23). Further, Tinner has also filed a Notice of Appeal challenging the dismissal. (Dkt. 25).

The plaintiff's Motion to Alter and Amend is hereby denied, as is his request for a hearing. (Dkt. 27). The plaintiff is additionally cautioned that future motions challenging the dismissal of the action may result in sanctions, in the event the court determines that such motions are frivolous or simply repeat arguments previously rejected by the court. Such sanctions may include requiring plaintiff to pay any attorney fees incurred by the defendant in responding to such future motions.

IT IS ACCORDINGLY ORDERED this 26th day of April, 2012 that plaintiff's Motion to Alter or Amend (Dkt. 26) and Request for Hearing (Dkt. 27) are hereby denied.

s/J. Thomas Marten  
J. THOMAS MARTEN, JUDGE