

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Eric Flores,

Plaintiff,

vs.

Case No. 14-2042-JTM

United States Attorney General, *et al.*,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court following the filing of a Complaint (Dkt. 1) by *pro se* plaintiff Eric Flores, coupled with his motion to proceed *in forma pauperis*. (Dkt. 2). In addition, Flores has filed a Notice under which he asks the court for a stay while the action is transferred to the Panel on Multidistrict Litigation. (Dkt. 3).

The plaintiff's 104-page Complaint is a verbatim repetition of the Complaint he previously filed with this Court in *Flores v. Attorney General*, No. 13-1137-MLB. Judge Belot dismissed the Complaint in that case, finding Flores's claims were both frivolous, and "eerily similar" to yet another Flores complaint which had been dismissed by the United States District Court for the District of Colorado. The Tenth Circuit upheld the dismissal of the Colorado action, finding that Flores's claims of being tortured by orbiting satellites was indeed frivolous, in that the complaint rose to the level of the irrational or the wholly

incredible, and depicting scenarios which were fantastic or delusional. *Flores v. U.S. Atty. Gen.*, No. 11-1277, 2011 WL 4908363, 2 (10th Cir. Oct. 17, 2011).

Accordingly, the present action is dismissed, and leave to proceed in forma pauperis denied, for the reasons stated by Judge Belot and in the Colorado action.

Nor may Flores evade this result by his request to transfer the action to the Panel on Multidistrict Litigation. "The pendency of a motion ... pursuant to 28 U.S.C. § 1407 does not affect or suspend orders and pretrial proceedings in the district court in which the action is pending and does not in any way limit the pretrial jurisdiction of that court." J.P.M.L. Rule 2.1(d). As a result, a court "should not automatically stay discovery, postpone rulings on pending motions, or generally suspend further rulings upon a parties' motion to the MDL Panel for transfer and consolidation." *Perry v. Luu*, 1:13-CV-00729-AWI, 2013 WL 3354446, at *3 (E.D.Cal. July 3, 2013). See *Rivers v. Walt Disney Co.*, 980 F.Supp. 1358, 1360 (C.D.Cal.1997). Thus, courts should *not* stay proceedings pursuant to § 1407 where the stay will not affect the controlling law and will serve only to delay an inevitable and necessary result. See *Aetna U.S. Healthcare, Inc., v. Hoechst Aktiengesellschaft*, 54 F.Supp.2d 1042, 1047 (D.Kan.1999).

IT IS ACCORDINGLY ORDERED this 29th day of January, 2014, that the Motion to Proceed (Dkt. 2) is denied; and the present action is hereby dismissed.

IT IS FURTHER ORDERED that Flores may not file any further document or action in the United States District Court for the District of Kansas without the express written consent of a United States District Judge allowing such filing.

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