

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

EDWARD H. FLINT

PLAINTIFF

v.

CIVIL ACTION NO. 3:10CV-597-S

HEWLETT-PACKARD COMPANY

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff, Edward H. Flint, has filed yet another motion demanding recusal of the undersigned as well as recusal of Magistrate Judge Whalin.

This judge did not grant the plaintiff's earlier motion, inasmuch as there was no ground upon which to justify recusal. The plaintiff had based his motion on the fact that he had filed suit against this judge in another case, but that litigation was long ago dismissed by the judge who handled it.

On August 30, 2011, this court entered an order dismissing this litigation, without prejudice, due to lack of federal jurisdiction. It is apparent that the plaintiff has somehow not realized that this litigation in this court is therefore terminated, although he was free to pursue the litigation in state court because the dismissal was without prejudice.

In order to make certain that the plaintiff understands that this court dismissed this case without prejudice, the Clerk of Court is directed to again forward to the plaintiff a copy of the Memorandum Opinion and Order which were entered herein on August 30, 2011.

Because this lawsuit was dismissed without prejudice months ago, and because this court has no bias or prejudice against the plaintiff, the plaintiff's most recent motion for this court to disqualify itself in this action is without merit and moot. The motion must, therefore, be **DENIED**.

IT IS SO ORDERED this **November 29, 2011**

A handwritten signature in black ink is written over the circular seal of the United States District Court. The signature is stylized and appears to read 'C.R. Simpson III'. The seal features an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The words 'UNITED STATES DISTRICT COURT' are visible around the perimeter of the seal.

**Charles R. Simpson III, Judge
United States District Court**

cc: Edward H. Flint, *pro se*
Counsel of Record