

refers to motions and rulings in previous cases. Motions to dismiss filed in prior lawsuits do not prevent defendants from filing a motion to dismiss in this action. Additionally, judgment has not been entered in this case and no appeal has been filed; jurisdiction remains with this court, not the Tenth Circuit.

Plaintiff appears to argue that this case is the “same case or controversy” as previous actions “variously styled *Medical Supply Chain v. US Bancorp N A, et al, Medical Supply Chain v. Novation, et al* KS Case No. 02-cv-02539-CM, W. Dist. Mo. Case No 05-0210-CV-W-ODS and *Medical Supply Chain v. Novation, et al* 05-cv-02299-KHV-GLR . . .” (Pl.’s Mot. to Strike at p.1). If plaintiff’s claims are identical to claims that have been adjudicated in a prior action, he should consider whether his claims in this case are appropriate under *res judicata* and collateral estoppel and address the issue in his response to defendants’ motion to dismiss. After reviewing the record in this case, the court finds that defendants are not prohibited from filing their motion to dismiss.

IT IS THEREFORE ORDERED that plaintiff’s Motion to Strike Defendants’ Motion to Dismiss (Doc. 25) is denied. Plaintiff has twenty-three days from the date of this order to file his response to defendants’ Motion to Dismiss. Defendants have twenty-three days from the date plaintiff files his response to file their reply.

Dated this 20th day of August 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge