OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

	)	No. ED108158
	)	
In the Matter of the Care and Treatment of D.E.K.,	)	Appeal from the Circuit Court of Saint Charles County
	)	03PR124286
Appellant.	)	
	)	Honorable Norman C. Steimel III
	)	
	)	FILED: December 22, 2020

D.E.K. appeals from the probate court's judgment denying his pro se petition for conditional release from his commitment to the Department of Mental Health for control, care, and treatment as a sexually violent predator. D.E.K. argues the probate court plainly erred in denying the petition as frivolous and in determining it lacked jurisdiction over a previous petition and related motions.

AFFIRMED.

Division Two Holds: The probate court did not err, plainly or otherwise, in denying D.E.K.'s motion to reinstate his previous petition for conditional release, which he had voluntarily dismissed. There was nothing for the court to "reinstate" given that, when a party dismisses all counts involved in a suit, the court loses authority over the suit because it is as if the suit had never been brought. *See Henry v. Piatchek*, 578 S.W.3d 374, 379 (Mo. banc 2019).
The probate court also did not err, plainly or otherwise, in denying D.E.K.'s subsequent petition for release as frivolous under Section 632.504, RSMo. (cum. supp. 2019), because the petition did not allege any facts that would tend to show a basis for D.E.K.'s claim and therefore had "no basis in law or fact" and was "clearly insufficient on its face." *See In re Care and Treatment of Coffman*, 225 S.W.3d 439, 446 (Mo. banc 2007).

Opinion by: Robin Ransom, P.J.,
Sherri B. Sullivan, J., and Lisa P. Page, J. concur.

Attorney for Appellant: Amy E. Lowe

Attorney for Respondent: Gregory L. Barnes

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.