

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROLLY O. KINNELL,

Petitioner,

v.

CASE NO. 00-3235-SAC

STATE OF KANSAS, et al.,

Respondents.

O R D E R

This petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was denied on the merits in a Memorandum and Order dated December 14, 2001. Petitioner filed no timely appeal. For a discussion of the procedural history since the case was dismissed see the Order (Doc. 59) entered herein on October 24, 2007.

The matter is now before the court on petitioner's Response to the Order (Doc. 60) of October 24, 2007, which warranted no response; "Motion to Stay" Court's Order of December 14, 2001, denying this petition (Doc. 61); Motion for Leave of Court to File Judgment on the Pleadings" (Doc. 62), Motion for Leave to Amend Petition (Doc. 63), Motion for Leave to File for Declaratory Judgment (Doc. 64), Motion for "Leave to Amend Pleadings on File for Relief from Judgment" (Doc. 65), and Motion for Leave to File Rule 60(b)(3)(4)(6)(Doc. 66).

Since Mr. Kinnell was specifically ordered in this case to seek leave of court before he filed any further pleadings herein,

the court construes each of his pending filings as a motion for leave of court to file the document rather than a motion for the relief requested. Mr. Kinnell is a three-strikes litigant, has not sought authorization from the Tenth Circuit Court of Appeals to submit second and successive habeas claims, and has filed numerous frivolous and abusive pleadings in other cases as well.

The court has considered each of the above documents filed by petitioner. The substance of petitioner's pending filings do not convince this court that he should be granted leave to file any of the intended motions in this case, which was dismissed over five years ago. Despite his use of some conclusory language regarding void judgments and defective procedures, Mr. Kinnell does not allege any valid grounds for post-judgment relief. Moreover, the judgments and procedures he refers to as void and defective are mostly in his state court criminal proceedings, rather than this case. Petitioner simply continues to rehash arguments already decided against him. He claims this judge and state judges have been biased against him. However, he has not filed a properly supported motion to recuse the undersigned judge, and rulings against Mr. Kinnell do not constitute grounds for such a motion. In short, the pleadings he seeks to file are precisely the types of pleadings which compelled this court to impose filing restrictions upon him. For the foregoing reasons, the court denies Mr. Kinnell's motions for leave to file pleadings (Docs. 61, 62, 63,

64, 65, and 66) as without sufficient basis and not in the interest of justice.

IT IS THEREFORE ORDERED that petitioner's motions for leave to file pleadings herein (Docs. 61, 62, 63, 64, 65, and 66) are denied.

IT IS SO ORDERED.

Dated this 6th day of February, 2008, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge