

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**DAVID A. WILLIAMS,**

**Petitioner,**

**vs.**

**CIVIL ACTION  
No. 01-3203-SAC**

**STATE OF KANSAS, et al.,**

**Defendants.**

**ORDER**

This matter comes before the court on a motion for reassignment of judge (doc. 23) filed by the plaintiff. This is a civil action filed by a prisoner pursuant to 28 U.S.C. § 2254. Plaintiff asks the undersigned Chief Judge to reassign this matter to another judge.

Section 28 U.S.C. 137 of the United States Code governs the distribution of case filings among district judges and provides, in relevant part:

**Division of business among district judges**

The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

This statute does not grant either express or implied authority to a chief judge to take action in litigation which has been assigned to another judge of the court and remains pending before that judicial officer. United States v. Heath, 103 F. Supp. 1 (D. Haw. 1952)(holding an order of the chief judge filed after a criminal case was assigned to another judge was void). Rather, it is the duty of the chief judge “to insure that the agreed upon rules are enforced and are administered so as to carry out their purposes”. Utah-Idaho Sugar Company v. Ritter, 461 F.2d 1100, 1103 (10<sup>th</sup> Cir. 1972).

The relief sought by plaintiff would require an improper intrusion into the administration of an action pending before another judicial officer. The petitioner’s motion is denied.

IT IS, THEREFORE, BY THE COURT ORDERED that petitioner’s motion for reassigning of judge (doc. 23) is **denied**.

**IT IS SO ORDERED.**

Dated at Kansas City, Kansas, this 17<sup>th</sup> day of November, 2006.

s/ John W. Lungstrum  
John W. Lungstrum  
Chief Judge