

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

STEPHEN KENT BLOOM,)
)
) **Plaintiff,**)
)
 v.)
)
 K. RUHNKE, et al.,)
)
) **Defendants.**)
)
)
)
 _____)

**Case No.
01-3450-KHV**

ORDER

Stephen Kent Bloom brings suit under 42 U.S.C. § 1983 for violation of constitutional rights. This matter comes before the Court on plaintiff's Motion For Amendment Of "Order" 8-26-05 Pursuant [To] Fed. R. Civ. P. Rule 52(b) (Doc. #72) filed September 9, 2005. Although plaintiff states that he brings the motion under Rule 52(b), Fed. R. Civ. P., that rule applies only to factual findings resulting from bench trials. The Court therefore construes plaintiff's motion as one for relief from a clerical mistake under Rule 60(a), Fed. R. Civ. P.

Plaintiff asserts that in the Order (Doc. #65) filed August 26, 2005, the Court incorrectly stated that two months after the Court entered the order of dismissal (Doc. #22), plaintiff filed a motion (Doc. #23) which sought to amend the order of dismissal. Plaintiff claims that he actually filed the motion on December 3, 2002, which was only 13 days after the Court entered the order. Plaintiff is correct. The Court therefore amends the Order (Doc. #65) filed August 26, 2005 to omit the words "Two months later" in the first sentence of the

first full paragraph on page 2. That sentence should begin with “On December 3, 2002.” This amendment does not change the substance or result of the order.

IT IS THEREFORE ORDERED that plaintiff’s Motion For Amendment Of “Order”, 8-26-05 Pursuant [To] Fed. R. Civ. P. Rule 52(b) (Doc. #72) filed September 9, 2005 be and hereby is **SUSTAINED**. The Court amends the Order (Doc. #65) filed August 26, 2005 to omit the words “Two months later” in the first sentence of the first full paragraph on page 2. That sentence should begin with “On December 3, 2002.” This amendment does not change the substance or result of the order.

Dated this 25th day of October, 2005 at Kansas City, Kansas.

s/ Kathryn H. Vratil _____
Kathryn H. Vratil
United States District Judge