

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

DAVID A. WILLIAMS

Plaintiff,

v.

Case No: 02-3326-MLB

PRISON HEALTH SERVICES,, et al.,

Defendants.

ORDER

This matter comes before the court on a motion for review (doc. 78) submitted by the plaintiff. This is a civil action filed by a prisoner. Plaintiff asks the undersigned Chief Judge to review the granting of summary judgment in this case.

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 (10th Cir. 1972).

The relief sought by plaintiff would require an improper intrusion into the administration of an action pending before another judicial officer. Accordingly, the motion to review (doc. 78) directed to the Chief Judge is denied.

IT IS, THEREFORE, BY THE COURT ORDERED that plaintiff’s motion for review (doc. 78) is denied.

IT IS SO ORDERED.

Dated this 16th day of March, 2007, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge