

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TODD CARLTON SMITH,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 03-3432-MLB
)	
STEVEN LAFRINERE,)	
)	
Defendant.)	
_____)	

ORDER

This case comes before the court on plaintiff's motion for a writ of execution against defendant Lafrinere. (Doc. 121.) Plaintiff brought suit under 42 U.S.C. § 1983 against Lafrinere and a number of other state defendants. Lafrinere was served with process by certified mail, but failed to appear and defend himself in this action. (Doc. 78.) The court entered default judgment against Lafrinere in the amount of \$6,000, and the remaining defendants settled with plaintiff. (Docs. 101, 118.) Thus, the only matters remaining in the case relate to plaintiff's efforts to collect on the judgment against Lafrinere.

Pursuant to Federal Rule of Civil Procedure 69(a), the court will employ the methods and rules of execution prescribed by Kansas law. When plaintiff seeks a writ of execution, but fails to specify any particular property upon which he desires to levy, Kansas authorizes a general writ of execution directed to the sheriff of the county in which defendant resides. See K.S.A. 60-2401(a), 2419. The Clerk is directed to forward the attached writ of execution to the following address:

Leavenworth County Sheriff's Office
ATTN: Janette in Civil Process Unit
601 S. Third Street
Suite 2007
Leavenworth, KS 66048-2764

The court finds that plaintiff has failed to provide the information necessary, or follow the appropriate procedure, to support issuance of a writ of garnishment. See K.S.A. 60-721 et seq. Accordingly, no writ of garnishment will be issued.

IT IS SO ORDERED.

Dated this 20th day of November 2006, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE

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)	
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_____)	

WRIT OF GENERAL EXECUTION
(Pursuant to K.S.A. 60-2401)

WHEREAS, there is of record in this Court an unsatisfied judgment as follows:

Judgment Creditor: Todd Carlton Smith

Judgment Debtor(s): Steven Lafrinere
(name)
1106 N. 4th Street
Apt. 2
Lansing, KS 66043
(address)

Date of Judgment: June 20, 2005

Judgment Balance Due: \$ 6,000

Costs Unpaid: None

To the Sheriff or other Process Server:

You are hereby directed to seize any non-exempt personal property belonging to the judgment debtor(s) and cause the same to be sold in satisfaction of said judgment, together with interest thereon and costs, including the costs and expenses for execution of this Writ, all in accordance with Article 24 of Chapter 60 of the Kansas Statutes Annotated.

You are further directed to return this Writ together with your report of the proceedings within 60 days from the date hereof.

A copy of this Writ shall be served on the defendant as provided under K.S.A. 60-2401.

DATED this 20th day of November, 2006.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE

RETURN

On _____, _____, ____ o'clock ____M., received this writ.

On _____, _____, ____ o'clock ____M., levied on the non-exempt personal property of _____, described in the following schedules.

On _____, _____, advertised the same for sale.

On _____, _____, sold the following items of personal property at prices indicated, and the moneys received from such sale are herewith delivered to the court.

_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Total received

\$ _____

The following goods remain unsold _____ for want of bidders.

Signature and Title of Officer