

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JAMES B. WATTS,

Petitioner,

v.

CASE NO. 05-3205-SAC

AMY THIEL, et al.,

Respondents.

O R D E R

This matter is before the court on petitioner's motion for leave of court to quash the notice of appeal (Doc. 27) and his motion for leave of court to alter or amend judgment (Doc. 28).

Petitioner's request for action to quash or nullify his notice of appeal must be denied for lack of jurisdiction. Because the appeal has been docketed in the United States Court of Appeals for the Tenth Circuit, petitioner must present his request to the Court of Appeals. See R. 42(b), Fed. R. App. P. Due to petitioner's pro se status, the court will direct the clerk of the court to transmit a copy of that motion to the Court of Appeals.

Petitioner also moves for leave of court to alter or amend the judgment. By an order entered on May 16, 2006, the court ordered that petitioner may not file any further pleading in this

matter unless he first obtains leave of the court. The proposed motion to alter or amend is the sixth such motion petitioner has filed in this action. The court has examined the motion and finds no basis to allow petitioner to seek further review in this court. See Winslow v. Hunter (In re Winslow), 17 F.3d 314, 315 (10<sup>th</sup> Cir. 1994)(en banc)(discussing district court's inherent power to restrict filing to curtail abuse of judicial process). The motion for leave of court is denied.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion to quash the notice of appeal (Doc. 27) must be denied for lack of jurisdiction. The clerk of the court is directed to transmit a copy of that motion to the Court of Appeals.

IT IS FURTHER ORDERED petitioner's motion for leave of court to alter or amend (Doc. 28) is denied.

Copies of this order shall be transmitted to the petitioner and to the Clerk of the United States Court of Appeals for the Tenth Circuit.

**IT IS SO ORDERED.**

DATED: This 6<sup>th</sup> day of July, 2006, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge