

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

MASON LEE WILSON,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 06-2283-KHV
)	
ROBIN B. MOORE, et al.,)	
)	
Defendants.)	
_____)	

ORDER

On July 5, 2006, plaintiff filed a civil complaint. After review of plaintiff's complaint, Magistrate Judge David J. Waxse noted that plaintiff's allegations are incomprehensible and fail to state any understandable claim for relief. See Order To Show Cause (Doc. #3) filed July 19, 2006 at 2. Accordingly, Judge Waxse ordered plaintiff to show cause why the Court should not dismiss his case on the grounds that the complaint fails to state a claim upon which relief might be granted. Id. at 2-3. On August 18, 2006, Judge Waxse granted plaintiff leave to proceed in forma pauperis.

In response to the order to show cause, plaintiff has attached several documents relating to a case which he removed to the District of Kansas on July 5, 2006. See Board of County Comm'rs. of the County of Sedgwick County, Kansas v. CKR Realty, LLC, Mason L. Wilson, et al., No. 06-1197-JTM (D. Kan.). Plaintiff filed this action to "grant plaintiff motion for removal from state court, to federal court, and grant plaintiff a jury trial so that he, can prove his case." See Civil Complaint (Doc. #1) filed July 5,

2006 at 4, IV. Relief.¹ Plaintiff can seek such relief in the case he removed, D. Kan. No. 06-1197-JTM. Moreover, federal procedure does not permit plaintiff to remove a case from state to federal court. See 28 U.S.C. § 1441(a) (civil action may be removed by defendant or defendants).

IT IS THEREFORE ORDERED that plaintiff's complaint should be and hereby is dismissed without prejudice for failure to state a claim.

Dated this 30th day of August, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge

¹ In his response to the order to show cause, plaintiff also complains that an employee in the Clerk's Office "refused to send my Pleading to this Court and created a Mock Case No #061197" and that such conduct shows that the Clerk's Office employee conspired with the attorney for the Board of County Commissioners of Sedgwick County to violate his constitutional rights. Plaintiff's Reply To Order To Show Cause (Doc. #4) filed August 11, 2006 at 2. The letter from the Clerk's Office employee merely enclosed the applicable forms for plaintiff to proceed without prepayment of fees, to designate the place of trial and to request a trial by jury. See Exhibit 4 to Plaintiff's Reply To Order To Show Cause (Doc. #4). Plaintiff's allegation about the conduct of the Clerk's Office employee does not state a claim for conspiracy to violate plaintiff's constitutional rights.