

MICHAEL LEE STROPE)
also known as Gordon Strobe,)

)
Plaintiff,)

)
v.)

)
WILLIAM CUMMINGS, et al.,)

)
Defendants.)
_____)

CIVIL ACTION

No. 06-3021-KHV

Michael Lee Strobe, a former inmate at the Lansing Correctional Facility in Lansing, Kansas, brings suit under 42 U.S.C. § 1983. Shortly after plaintiff filed this action, the Court granted him leave to proceed *in forma pauperis*. See Order (Doc. #6) filed August 30, 2006. On December 22, 2006, because plaintiff had three or more strikes under 28 U.S.C. § 1915(g), the Court required him to submit the full amount of the filing fee by January 17, 2007.¹ See Order (Doc. #28). By doing so, the Court effectively vacated the prior order which granted plaintiff leave to proceed *in forma pauperis* in this case. See id. On February 9, 2007, the Court ordered defendants to show good cause in writing why the Court should not vacate its Order (Doc. #28) filed December 22, 2006 and reinstate plaintiff's *in forma pauperis* status in light of the recent Supreme Court opinion in Jones v. Bock, Nos. 05-7058, 05-7142, --- U.S. ----, 127 S. Ct. 910 (Jan. 22, 2007). Defendants have not responded to the Court's order. Accordingly, the Court

¹ On January 9, 2007, the Court extended the deadline for plaintiff to pay the filing fee to February 7, 2007. See Order (Doc. #31).

reinstates plaintiff's *in forma pauperis* status.²

IT IS THEREFORE ORDERED that defendants have not shown good cause why the Court should not vacate its Order (Doc. #28) filed December 22, 2006 and reinstate plaintiff's *in forma pauperis* status in light of the recent Supreme Court opinion in Jones v. Bock, Nos. 05-7058, 05-7142, --- U.S. ----, 127 S. Ct. 910 (Jan. 22, 2007). The Court reinstates plaintiff's *in forma pauperis* status. Collection action shall proceed pursuant to 28 U.S.C. § 1915(b)(2).

The Clerk is directed to forward a copy of this order to the Tenth Circuit Court of Appeals and the Administrator of Inmate Accounts at the Hutchinson Correctional Facility in Hutchinson, Kansas.

Dated this 22nd day of February, 2007 at Kansas City, Kansas.

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

² Plaintiff is advised that he remains obligated to pay the statutory filing fee of \$250.00 in this action following his satisfaction of the fee obligations in Case Nos. 03-3310, 03-3385, 04-3204, 05-3059, 05-3385, and 05-3464. The Finance Office of the facility where he is housed will be directed by a copy of this order to collect from plaintiff's account and pay to the clerk of the court twenty percent (20%) of the prior month's income each time the amount in plaintiff's account exceeds ten dollars (\$10.00) until the filing fee has been paid in full. Plaintiff is directed to cooperate fully with his custodian in authorizing disbursements to satisfy the filing fee, including but not limited to providing any written authorization required by the custodian or any future custodian to disburse funds from his account.