

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

MICHAEL LEE STROPE
also known as Gordon Strobe,

Plaintiff,

v.

WILLIAM CUMMINGS, et al.,

Defendants.

CIVIL ACTION

No. 06-3021-KHV

ORDER

Plaintiff Michael Lee Strobe, an inmate at the El Dorado Correctional Facility in El Dorado, Kansas, asserts claims against various corrections officials 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, 2006.¹ In that Order, the Court directed the Finance Office of plaintiff's facility to collect certain funds from his account and pay those funds to the Clerk of the Court to be applied toward plaintiff's filing fee.

This matter comes before the Court on plaintiff's Motion For Enforcement Of Prior Court Order Of 8/30/06 (Doc. #60). In that motion, plaintiff alleges that prison officials have withdrawn funds from his account, but that the Clerk has not received any payments toward his filing fee in this case. Therefore, plaintiff seeks an order compelling the prison officials to comply with the Court's order of August 30, 2006. In support of his motion, plaintiff has submitted printouts showing various withdrawals from his prison account from July 12 to November 6, 2007, that have been

¹ On December 22, 2006, the Court effectively rescinded plaintiff's *in forma pauperis* status pursuant to 28 U.S.C. § 1915. See Order (Doc. #28). On February 22, 2007, the Court reinstated plaintiff's *in forma pauperis* status in light of the Supreme Court opinion in Jones v. Bock, Nos. 05-7058, 05-7142, ___ U.S. ___, 127 S. Ct. 910 (Jan. 22, 2007).

designated as filing fee payments.

It is true that the Clerk of the Court has not applied any payments toward plaintiff's filing fee for this case. The Clerk did receive payments on plaintiff's behalf in the amounts indicated on plaintiff's withdrawal records. Those payments, however, were applied toward plaintiff's outstanding filing fee obligation in Case No. 03-3310, an older case. Accordingly, prison officials have not violated the Court's prior order, and plaintiff's motion is denied.

IT IS THEREFORE ORDERED that plaintiff's Motion For Enforcement Of Prior Court Order Of 8/30/06 (Doc. #60) be and hereby is **OVERRULED**.

Dated this 23rd day of January, 2008 at Kansas City, Kansas.

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