

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARSHALL A. TILLMAN,

Plaintiff,

vs.

CIVIL ACTION
No. 06-3285-SAC

JOSEPH D. JOHNSON,

Defendant.

ORDER

This matter comes before the court on plaintiff's motions for leave to appeal in forma pauperis (Doc. 18), for leave to amend complaint (Doc. 19), and to reinstate this action (Doc. 20).

This matter is a civil rights action filed pursuant to 42 U.S.C. § 1983. By an order entered on April 4, 2007 (Doc. 10), the court granted leave to proceed in forma pauperis and dismissed the matter for failure to state a claim upon which relief may be granted. Plaintiff filed a notice of appeal, and the court granted leave to proceed on appeal in forma pauperis by an order entered on May 7, 2007 (Doc. 16).

Because this court granted plaintiff leave to proceed on appeal in forma pauperis, his motion for that status will be

denied as moot.

Plaintiff's motion to amend states, in part, that he will ask for the opportunity to file an amended complaint. Because this matter has been dismissed, the court finds no basis to allow an amendment and will deny that motion. Likewise, if this request is liberally construed as a motion to amend the judgment, the court finds no grounds for relief are presented, as plaintiff's motion addresses only his efforts to pay the initial partial filing fee. The fee was not a factor in the court's dismissal of this matter.

Finally, plaintiff moves to reinstate this action. Because that request addresses only financial matters, the court will deny the motion. This matter was dismissed on the merits of plaintiff's claims. To the extent plaintiff may challenge the court's orders concerning collection action, there is no basis for relief. Collection action in this matter is governed by statute. See 28 U.S.C. § 1915(b)(2).

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for leave to proceed on appeal in forma pauperis (Doc. 18) is denied as moot.

IT IS FURTHER ORDERED plaintiff's motion for leave to amend the complaint (Doc. 19) is denied.

IT IS FURTHER ORDERED plaintiff's motion to reinstate (Doc.

20) is denied.

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

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 18th day of May, 2007.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge