

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHARLES D. GREEN,

Plaintiff,

v.

CASE NO. 06-3298-SAC

FRANK DENNING, et al.,

Defendants.

O R D E R

This matter is before the court on a pro se complaint filed under 42 U.S.C. § 1983 by a prisoner while confined in the Johnson County Adult Detention Center (JCADC) in Olathe, Kansas. Plaintiff is now in the custody of the Kansas Department of Corrections (KDOC). Plaintiff seeks damages on allegations that JCADC defendants subjected him to excessive force, denied him necessary medical and dental care, denied him due process in a disciplinary proceeding that resulted in the loss of earned good time, and mishandled his legal mail. Having reviewed the record, the court considers and decides the following motions.

Plaintiff has paid the initial partial filing fee assessed by the court under 28 U.S.C. § 1915(b)(1) in an order entered on April 11, 2007, and is granted leave to proceed in forma pauperis. Plaintiff remains obligated to pay the remainder of the \$350.00 district court filing fee in this civil action, through payments from his inmate trust fund account as authorized by 28 U.S.C. § 1915(b)(2). Plaintiff's motion for reconsideration of the April 11,

2007, order is denied.¹

Plaintiff's renewed motions for discovery to supplement his claims and for appointment of counsel are denied without prejudice for the reasons previously stated by the court. Plaintiff's related motion to compel court action on his pending motions is now moot, as is plaintiff's request to stay this matter until December 15, 2007, to allow plaintiff better access to his legal materials while in KDOC custody. To the extent plaintiff seeks to amend the complaint to add additional JCADC defendants, the court grants this request. By a separate order the court will address its review of the amended complaint to determine whether it or any portion thereof should be summarily dismissed as frivolous, as stating no claim for relief, or as seeking damages from a person immune from such relief. See 28 U.S.C. § 1915A(a) and (b)(court to screen civil complaint filed by a prisoner to identify cognizable claims and to dismiss the complaint or any portion thereof that is (1) frivolous, malicious or fails to state a claim, or (2) seeks damages from a defendant immune from such relief).

Plaintiff's request for a cease and desist order against KDOC officials regarding their alleged mishandling of plaintiff's legal materials is denied. Plaintiff identifies temporary deprivations of his access to his legal files, and alleges items were unlawfully removed from his files. Nonetheless, the court finds no extraordinary relief or judicial intervention in the management of plaintiff's confinement is necessary to protect plaintiff's ability

¹To the extent plaintiff's motion included a renewed request for appointment of counsel, the court denies this request without prejudice.

to proceed in this action. To the extent plaintiff seeks to amend the complaint to add one or more KDOC defendants and a new claim of being denied his right of access to the courts upon his transfer to the Norton Correctional Facility, the court denies this request without prejudice. Plaintiff is free to initiate a new complaint on these separate claims and defendants if he chooses.

IT IS THEREFORE ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is granted, and that payment of the full \$350.00 district court filing fee is to proceed as authorized by 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that plaintiff's motion for reconsideration (Doc. 11) and motion to compel (Doc. 13) are denied.

IT IS FURTHER ORDERED that plaintiff's motion for discovery to supplement his claims (Doc. 12), and "third motion for appointment of counsel" (Doc. 19) are denied without prejudice.

IT IS FURTHER ORDERED that plaintiff's request to amend the complaint (Doc. 13, p.7) to name JCADC officers as additional defendants is granted, and that the complaint is amended to name Deputy Klock, Sgt. Farkes, Sgt. Hopkins, Lt. S. Johnson, and Capt. M. Raunig as additional defendants.

IT IS SO ORDERED.

DATED: This 16th day of January 2008 at Topeka, Kansas.

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