

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MALVIN RANDY SCHAMP, et al.,

Plaintiff,

Vs.

No. 06-4051-SAC

ALLEN SHELTON, in his personal
capacity, et al.,

Defendants.

ORDER

The case comes before the court on the plaintiffs' motion for immediate disposition. (Dk. 11). The plaintiffs summarily ask the court to intervene immediately in six state criminal cases pending in the District Court of Smith County, Kansas, alleging the proceedings are tainted by fabricated charges, fabricated evidence, and violations of federal criminal law. The defendants have filed a response opposing the motion. (Dk. 15). The defendants observe the plaintiffs' suit faces a serious hurdle in the abstention doctrine recognized in *Younger v. Harris*, 401 U.S. 37 (1971). In addition, the defendants challenge the plaintiffs' dispositive motion as premature and procedurally improper.

The plaintiffs appear *pro se*. In filing their motion, the plaintiffs do not refer to the Federal Rules of Civil Procedure or attempt to characterize what relief

they seek within the procedural context of those rules. Rule 65 addresses motions seeking injunctive relief on a temporary or preliminary basis and lays out the procedures and proof required before such relief can be granted. If the plaintiffs' motion was intended to seek the kind of extraordinary relief available under Rule 65, the court denies the same, as the procedural and substantive requirements of this rule have not been met. If the plaintiffs' motion was intended to seek the full measure of relief prayed for in their complaint, then the court denies the same, as the procedural and substantive requirements of Rule 56 have not been met.

IT IS THEREFORE ORDERED that the plaintiffs' motion for immediate disposition (Dk. 11) is denied.

Dated this 21st day of June, 2006, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge