

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JAMES THOMAS MURPHY,

Plaintiff,

v.

CASE NO. 07-3074-SAC

PHILLIP D. HYLTON,  
et al.,

Defendants.

O R D E R

This civil rights action was dismissed on October 25, 2007, and the matter is currently on appeal. Plaintiff has filed Motion for Order (Doc. 50), in which he asks the court to "order (his) custodian . . . to stop garnishing his pay as long as he has the will, means and ability to pay voluntarily . . . ." 28 U.S.C. § 1915(b)(2) provides:

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

Id. In this court's order granting plaintiff leave to proceed without prepayment of fees, the court directed that "[p]laintiff's payments toward the \$455.00 appellate court filing fee in this matter will commence upon satisfaction of the (district court) fee obligation and will be calculated according to 28 U.S.C. § 1915(b)(2)." Plaintiff acknowledges that he was directed to cooperate with his custodian and any future custodian to authorize the disbursement of funds to satisfy these payments," and apparently has cooperated as some payments have been submitted. The court is presented with no reason to interfere with the methods employed by prison officials to collect payments toward the

assessed fees, which are not alleged to be other than in accordance with 28 U.S.C. § 1915(b)(2). If plaintiff mainly desires to avoid garnishment of his prison account, the court assumes he may at any time submit to this court the entire balance due on all his outstanding fees.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Order (Doc. 50) is denied.

Copies of this Order shall be mailed to plaintiff, to the Finance Officer where plaintiff is incarcerated, and to the Clerk of the United States Court of Appeals for the Tenth Circuit.

**IT IS SO ORDERED.**

Dated this 10<sup>th</sup> day of April, 2008, at Topeka, Kansas.

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