

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

WILLIAM MITCHELL,

Plaintiff,

v.

CASE NO. 07-3318-SAC

KENNETH McGOVERN,  
et al.,

Defendants.

O R D E R

This matter is now before the court upon a document filed by plaintiff, which includes his "Response," motion for continuance to respond, and request for Martinez Order (Doc. 11). The court assumes this does not constitute plaintiff's entire Response, since he seeks an extension of time in which to file his response. The court finds plaintiff's motion for extension of time (Doc. 12) in which he is required to file a supplement to his complaint in response to the court's Order dated February 20, 2008, should be granted.

Plaintiff's request for the court to order that "defendants" submit a Martinez Report (Doc. 12) is denied, without prejudice. The court is still in the process of screening plaintiff's complaint and will not order a response by defendants unless and until the complaint survives screening. Again, plaintiff is advised that the court has required him to provide facts, which means he must describe actions taken by individual

defendants during the actual incident in question.

**IT IS THEREFORE ORDERED** that the time in which plaintiff is required to file a "Supplement to Complaint" in response to the court's Order dated January 9, 2008, is hereby extended to and including May 29, 2008.

**IT IS FURTHER ORDERED** that plaintiff's request for the court to order defendants to submit a Martinez Report is denied, without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is granted<sup>1</sup>.

The clerk is directed to transmit copies of this Order to plaintiff and to the financial officer at the institution where plaintiff is currently confined.

**IT IS SO ORDERED.**

Dated this 29th day of April, 2008, at Topeka, Kansas.

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

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Pursuant to 28 U.S.C. §1915(b)(1), plaintiff remains obligated to pay the remainder of the full district court filing fee, which is currently \$350.00, in this civil action. Being granted leave to proceed in forma pauperis entitles him to pay the filing fee over time through payments from his inmate trust fund account as authorized by 28 U.S.C. §1915(b)(2). Pursuant to §1915(b)(2), the Finance Office of the facility where plaintiff is confined is directed by copy of this Order to collect twenty percent (20%) of the prior month's income each time the amount in plaintiff's account exceeds ten dollars (\$10.00) until the filing fee has been paid in full. Plaintiff is directed to cooperate fully with his custodian in authorizing disbursements to satisfy the filing fee, including but not limited to providing any written authorization required by the custodian or any future custodian to disburse funds from his account.