

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PATRICK C. LYNN,

Plaintiff,

v.

CASE NO. 10-3142-SAC

ROGER WERHOLTZ,
et al.,

Defendants.

O R D E R

On July 21, 2010, this court entered an Order granting Mr. Lynn, who is a three-strikes litigant, time to submit the filing fee of \$350.00 or suffer dismissal of this action pursuant to 28 U.S.C. § 1915(g). Plaintiff has not paid the fee, and instead has filed Motion to Appoint Counsel (Doc. 3), Motion to Consolidate this case with a closed case (Doc. 5), Motion for Reconsideration and Request to Proceed (Doc. 5), Verified Supplemental Complaint (Doc. 6), Second Motion for Reconsideration (Doc. 8), and Motion to Appoint Counsel and for Video Hearing (Doc. 8). The court finds that no motion other than one objecting to the court's prior fee order is appropriately filed herein. Nevertheless, the court has considered the content of all plaintiff's motions and filings, whether appropriate or not, to determine if he has presented a valid objection to this court's fee order. The court concludes that plaintiff's allegations in his filings that he is "subject to imminent physical injury" are generally conclusory, that is without

sufficient facts in support, or involve only past, rather than imminent, harm. As such, they are not sufficient to show that he should be allowed to proceed in this action without paying the full filing fee up front as provided in § 1915(g).

In addition, the court already denied Mr. Lynn's request that he be excused from the local rule requiring that § 1983 complaints be submitted upon forms provided by the court, and yet he refuses to utilize the forms. The court further notes that Mr. Lynn is well aware that he may not submit one pleading to be filed in two separate cases.

IT IS THEREFORE ORDERED that this action is dismissed, without prejudice, for failure to pay the full filing fee pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that all plaintiff's pending motions (Docs. 3, 5, and 8) are denied.

IT IS SO ORDERED.

Dated this 19th day of October, 2010, at Topeka, Kansas.

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