

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

FABIAN TINNER, )  
)  
                                  *Plaintiff,* )  
)  
vs. )  
)  
THOMAS E. FOSTER, *Chief Judge* )  
*of the District Court of Johnson County;* )  
DEAN GARLAND, *Hearing Officer* )  
*Child Support Enforcement Division;* )  
KELLY RYAN, *Johnson County* )  
*District Court Judge;* )  
MELANIE BUSSE, *District Court* )  
*Hearing Officer;* )  
AMY MITCHELL; and )  
JOE DeWOSKIN, )  
)  
                                  *Defendants.* )  
\_\_\_\_\_ )

Case No. 11-2695-EFM-KGG

**MEMORANDUM AND ORDER**

The Court entered a Judgment dismissing Plaintiff’s claims on April 27, 2012. (Doc. 46). Plaintiff filed a Notice of Appeal on May 29, 2012, (Doc. 55), as well as motions for relief from judgment and to alter judgment. (Docs. 50-54). The court denied the latter motions on June 6, 2012. (Doc. 59). Plaintiff has now filed an additional set of motions seeking relief from the Judgment. (Docs. 61-63).

The Court has reviewed the motions recently filed in which Plaintiff seeks to add claims against Judge Allen Slater of the Johnson County District Court. The rambling allegations therein show Plaintiff is complaining about a temporary stay order entered by Judge Slater in proceedings related to Plaintiff’s child support/ divorce litigation. Plaintiff seeks to “join Judge Slater to this

action and increase the damage request by 3 million dollars....” (Doc. 62 at 7).

The Court determines that these allegations are frivolous or malicious, fail to state a claim on which relief may be granted, and/or seek monetary relief against a defendant (or prospective defendant) who is immune from such relief.<sup>1</sup> They present no grounds for relief from the Judgment. Alternatively, the Court determines that it lacks jurisdiction to grant the relief requested by Plaintiff.<sup>2</sup>

**IT IS ACCORDINGLY ORDERED** that Plaintiff’s Motion for Order to Add Party (Doc. 61), Motion for Relief From Judgment (Doc. 62), and Motion for Hearing (Doc. 63) are **DENIED**.

Dated this 10th day of July, 2012.



ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See 28 U.S.C. § 1915(e)(2). The Court notes that Plaintiff was recently cautioned by Judge Marten in *Tinner v. Farmers Ins. Co.*, No. 11-2694-JTM (D. Kan.), that repeatedly filing frivolous motions for relief from judgment could result in sanctions against Plaintiff. (Doc. 31 in No. 11-2694). The Court cautions Plaintiff that the same applies with respect to this case.

<sup>2</sup> See *Allison v. Bank One-Denver*, 289 F.3d 1223, 1243 (10th Cir. 2002).