

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

ROBERT E. FOX,

Plaintiff,

v.

Case No. 14-3107-JTM

KATIE HOOP,

Defendant.

MEMORANDUM AND ORDER DENYING MOTION TO AMEND

Before the court is plaintiff Robert E. Fox's motion to amend and two supplements. Dkts. 25-27. The court denies the motion to amend as unnecessary. The record already reflects that defendant Katie Hoop may be Kathleen Houpp. *See* Dkt. 23 and 24.

As for the supplements, Fox asks this court to stop sending information regarding his case to individuals not involved in this case, namely Colette Winkelbauer, Julie Scrivener, and a Mr. Skidmore, who are all Lansing Correctional Facility employees. He claims these individuals held a meeting and expressed their "bias and opinion[] . . . against [his] case." Dkt. 26 at 1. He also asks this court to: "Please advise me on how to get this matter cleared up in a legal matter." Dkt. 27 at 5.

First, the court cannot provide legal advice. Second, contrary to Fox's claim, the court did not improperly send information to those individuals. The court has reviewed Fox's exhibits in support of the supplements and they do not prove what he alleges. The court's electronic filing system automatically generates a notification when a pleading has been electronically-filed and sends it to all parties. For prisoners, the system sends an email to the facility where they are currently incarcerated for distribution to the prisoner. When he filed the complaint, Fox resided

at Larned Correctional Mental Health Facility. Dkt.1. Fox reported a change of address to Lansing Correctional Facility on August 13, 2014. Dkt. 5. He then reported a change of address to Larned on October 16, 2015 (Dkt. 12); returning to Lansing on October 29, 2015 (Dkt. 13); and back to Larned on November 16, 2015 (Dkt. 14). Since November 16, 2015, the ECF system sends Notices of Electronic Filing (“NEF”) to Fox as follows: “Notice has been electronically mailed to: Robert E. Fox court_filing_lcmhf@doc.ks.gov” (Dkt. 26 at 2). Thus, the ECF system works as intended.

Fox’s exhibits indicate that Larned forwards the NEF to certain KDOC officials. The court, however, has no control over what the facility does with the NEF. In any case, court filings are public records unless otherwise ordered. Additionally, the court will not consider those individuals’ opinion regarding the merits of the case. The court will reach its own conclusion.

The proverb “making a mountain out of a molehill” aptly describes the supplements. They are also improperly labeled and duplicative of one another. A request for court action of any sort must be submitted as a “Motion” followed by a descriptive title, such as “Motion to Amend.” It must clearly state the action that the court is being asked to take, and it must present a factual basis showing the movant is entitled to have the court take that action. The motion to amend comports with these guidelines, but the supplements do not. The first supplement was 17-pages long and included hand-written notes scattered throughout the attached exhibits, which not only compromised the exhibits, but also made them difficult to read. The court previously ordered Fox to refrain from filing improper papers as it unnecessarily impairs the court’s resources and impedes the orderly processing of this and other cases. *See* Dkt. 22. This case cannot proceed until the defendant has been served. The court prohibits Fox from further filings

until service is obtained or the court orders otherwise. Any unapproved submissions will be returned to Fox unfiled.

On June 22, 2016, the court directed the Kansas Department of Aging and Disability Services (KDADS) to supply the current or last known address information for Katie Hoop or Kathleen Houpp by July 5, 2016. KDADS has not supplied that information to date. On July 14, 2016, at the direction of the court, the clerk's office contacted Susan Andrews, Chief Counsel for KDADS, who advised that she did not receive the order. Now that she has confirmed receipt of the order, the court grants KDADS until July 27, 2016, to provide the requested information.

IT IS THEREFORE ORDERED that plaintiff's motion to amend (Dkt. 25) is DENIED.

IT IS FURTHER ORDERED that KDADS shall file said report on or before July 27, 2016.

IT IS SO ORDERED this 18th day of July 2016.

s/ J. Thomas Marten
J. THOMAS MARTEN, Judge