

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Frances Haycraft,

Plaintiff,

vs.

Case No. 15-1228-JTM

Lincoln Meadows Apartments, and
Fidelity Management Corp.,

Defendants.

MEMORANDUM AND ORDER

Pro se plaintiff Frances Haycraft brings this action against Lincoln Meadows Apartments and Fidelity Management following her 2012 eviction from her apartment. The matter is before the court subsequent to a Report and Recommendation filed by the United States Magistrate Judge. (Dkt. 8). The plaintiff filed an Objection (Dkt. 11) to the Report and Recommendation, but her pleading does nothing to explain any error of law or fact in the Magistrate Judge's findings, other than to express plaintiff's intention to "continue to obtain justice." (*Id.* at 6).¹

¹ Haycraft has filed a separate pleading (Dkt. 10), in which she asserts that officers of the United States Marshals Service "made threats" against her in August of 2012, and requests an order compelling the production of "phone voice transcripts from Singular [sic] to prove this is the truth." (*Id.* at 2). The plaintiff makes no attempt to explain the specific nature of the supposed "threats," or any reason to believe the actual communications were anything other than a good faith attempt by members of the

The court therefore adopts in full the Magistrate Judge's Report and Recommendation, including her finding that the present action, being the *third* attempt to litigate issues surround her eviction, should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Haycraft initially brought an action in federal court, which was dismissed on summary judgment by Judge Belot. *Haycraft v. Fidelity*, No. 13-1254-MLB (Dkt. 84). Haycraft also brought substantially similar claims in Sedgwick County District Court. *Haycraft v. Lincoln Meadows Apts.*, No. 2015-CV-000290-TU. That action was dismissed by Judge Timothy Henderson. The present litigation thus reflects an attempt to obtain district court review of earlier decisions by another judge of this court, and by the Sedgwick County District Court, based upon plaintiff's belief that it would "be a waste of time to remedy this miscarriage of justice by appeal." (Dkt. 1, at 2).

As the Magistrate Judge correctly found, this is not the proper forum for review of a state court decision, nor for the review of a decision by another judge of this court. Further, the plaintiff has failed to show any plausible claim for relief against either defendant. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Given her history of repetitive litigation, and her statement in her Objection that she will "continue to obtain justice," the court also adopts the recommendation of the Magistrate Judge that the court consider filing restrictions be placed upon the plaintiff.

Marshals Service to carry out their role as public officers. The plaintiff's motion is denied.

The plaintiff is hereby placed on notice that any future frivolous or abusive filings, including attempts to relitigate the issues raised in this or the other lawsuits discussed in this Order, may incur appropriate sanctions, including the imposition of filing restrictions. *See Roberts v. Colvin*, No. 14-4098, 2014 WL 5406891, at *1 (D.Kan. Oct. 22, 2014); *Gilkey v. ADT Sec. Servs., Inc.*, No. 11-1369, 2013 WL 6154595, at *2 (D.Kan. Nov. 21, 2013).

IT IS HEREBY ORDERED this 5th day of November, 2015, that the Report and Recommendation of the United States Magistrate Judge (Dkt. 10) is hereby adopted in full, the Objection (Dkt. 11) of the plaintiff is overruled, and the Motion for Records (Dkt. 10) of the plaintiff is denied.

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