

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

JOHNNY CLINT WIGGINS,

Plaintiff,

v.

CASE NO. 17-3080-SAC

D. SISCO, et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion for Order Directing Defendants to Release Plaintiff's Funds from Forced Savings Account for Payment of Appellate Filing Fees (Doc. #30). Plaintiff states that he submitted a request to his Unit Team Counselor on December 18, 2017, asking that \$505.00 be withdrawn from his forced savings account for the payment of his appellate filing fee. According to Plaintiff, as of December 27, 2017, the funds had not been removed from his account.

The procedures for the forced savings account are set forth in the Kansas Department of Corrections' manual of Internal Management Policy and Procedure (IMPP). IMPP 04-103D provides that "[a]fter the offender's cash available balance is exhausted, forced savings may be used for civil filing fees" IMPP 04-103D goes on to say that "[c]onsideration should be given by offenders and approving staff to allow sufficient time for processing of outgoing funds, particularly those of a time-sensitive nature."

Plaintiff provides no factual basis or legal authority that would allow this Court to order that the appellate filing fee be paid from his forced savings account. Furthermore, even if the Court had the authority to order KDOC, an interested party, and Defendants to release funds from Plaintiff's forced savings account, not even ten (10) days had passed between the filing of Plaintiff's request and the filing of his Motion. This does not seem to be an unreasonable delay, particularly given the intervening holiday season.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Order Directing Defendants to Release Plaintiff's Funds from Forced Savings Account for Payment of Appellate Filing Fees (Doc. #30 is **denied**.

IT IS SO ORDERED.

DATED: This 29th day of December, 2017, at Topeka, Kansas.

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