

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

ROLLY O'DELL KINNELL,)	
)	
Plaintiff,)	
v.)	Case No. 13-4066-JAR-TJJ
)	
BARACK OBAMA, et al.,)	
)	
Defendants.)	
)	

ORDER

Plaintiff, who proceeds *pro se* and *in forma pauperis*, filed this action complaining of the following matters: his 1998 state conviction; his subsequent incarceration; a parole violation; his ineligibility to vote; the results of the November 6, 2012 election; and his prior unsuccessful efforts to litigate these matters. Plaintiff named several defendants in the captions and descriptions of parties, including President Barack Obama, members of Congress, the United States District Court for the District of Kansas, the Tenth Circuit, and state courts of Kansas. On August 5, 2013, Magistrate Judge David J. Waxse issued a Report and Recommendation (Doc. 8) recommending dismissal of this action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3), as well as for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), and for seeking monetary relief against defendants who are immune from such relief under 28 U.S.C. § 1915(e)(2)(B)(iii).

Plaintiff filed an objection within the fourteen-day period prescribed by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, to Judge Waxse's proposed findings and recommendations, as well as a Motion to Amend Complaint (Doc. 12), and a Motion to Appoint Counsel (Doc. 13). On March 6, 2014, the Court overruled Plaintiff's objection, adopted the Report and

Recommendation, and denied Plaintiff's Motion to Amend Complaint and Motion to Appoint Counsel. Judgment was entered the same day. Since this time, Mr. Kinnell has filed a motion to reconsider this Court's dismissal of his case, and has filed a notice of appeal. The Tenth Circuit has notified Mr. Kinnell that it will not open the appeal unless he first pays the full filing fee.

Mr. Kinnell is an unrepresented party who has not consented to electronic service or filing of his documents in this case.¹ Therefore, Mr. Kinnell personally delivers his conventional documents to the Topeka Division's Clerks Office for filing. Mr. Kinnell has a history of verbally abusing the clerk's office staff with offensive and profane remarks when he delivers these documents. Because of this history, Mr. Kinnell has been required to have a court security officer escort him to the Clerk's office when he arrives at the courthouse. Nonetheless, on March 19, 2014 and again on April 14, 2014, Mr. Kinnell engaged in a profanity-laced verbal assault on the Clerk's office staff while delivering documents in this case for filing. On each of these two occasions, he engaged in this abusive and disruptive behavior while being escorted by a court security officer.

The Court therefore has determined that Mr. Kinnell may no longer enjoy physical access to the Clerk's office for filing his documents. Going forward, if Mr. Kinnell must file documents in this case, or must avail himself of other services provided by the Clerk's Office, he may enter the Frank Carlson Federal Building and notify the court security officer stationed at the public entrance of his request. The court security officer will then notify the Clerk's Office, and a member of its staff will meet Mr. Kinnell at the public entrance to accommodate his request.

IT IS THEREFORE ORDERED BY THE COURT that Mr. Rolly O'Dell Kinnell is hereby prohibited until further notice from proceeding past the Court Security Officers' station at

¹See D. Kan. Rule 5.4.2.

the public entrance of the Frank Carlson Federal Building in Topeka, Kansas for purposes of conducting court business. In order to conduct any future court business, Mr. Kinnell may notify the Court Security Officer stationed at the public entrance of his request and that Officer will in turn notify the clerk's office; a member of its staff will meet Mr. Kinnell at the entrance of the building.

IT IS SO ORDERED .

Dated: April 21, 2014

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE