

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JAMES S. FELKNOR

CIVIL ACTION NO. 10-1259

VERSUS

JUDGE ROBERT G. JAMES

ROBERT HENRY FELKNOR, ET AL.

MAG. JUDGE KAREN L. HAYES

ORDER

Felknor has filed eight civil rights complaints in the Western District of Louisiana in the last few months. *See Felknor v. USA*, Civil Action No. 10-1399 [Doc. No. 3]. The Court has determined that, in each of the cases, including this one, Felknor has failed to present legally viable claims.

On July 13, 2010, in another lawsuit filed by Felknor, Civil Action No. 10-1020, the Court issued a Judgment advising Felknor that “the Clerk of Court [will] decline to file any civil complaint submitted by [him] unless the complaint has first been presented to a district judge of this court and the judge has specifically authorized in writing that the complaint may be filed.” *See* [Doc. No. 2].

On August 6, 2010, Felknor presented the Complaint in this matter to the Clerk of Court without paying the filing fees of the Court or submitting a motion to proceed *in forma pauperis*. The Clerk of Court referred the Complaint to this Court for review. After review, the Court issued an order on October 4, 2010. The Court determined that Felknor has asserted claims under 42 U.S.C. § 1983, but he has failed to allege any facts to show that Defendants, all of whom are private citizens, acted under “color of state law.” [Doc. No. 2]. Thus, Felknor’s claims

under § 1983 are not plausible. Because he provided no factual basis for the Court to exercise jurisdiction in this matter, the Court dismissed Felknor's Complaint.

On October 20, 2010, Felknor filed a Notice of Appeal [Doc. No. 3] to the United States Court of Appeal for the Fifth Circuit.

Also on October 20, 2010, Felknor filed a Motion to Proceed IFP [Doc. No. 4] and Motion to Appoint Counsel [Doc. No. 5]. The Court denied those motions on October 22, 2010. [Doc. No. 7].

On November 24, 2010, the Clerk of Court received Felknor's \$455.00 filing fee for his appeal. As of this date, Felknor's appeal remains pending before the Fifth Circuit.

Although his appeal is pending, on April 3, 2011, Felknor filed a motion with this Court styled "LR 7.4.1.W Motion for Leave of Court to Add parties to Defendants Portion of Case 3-10-cv-01259" ("Motion to Add Defendants") [Doc. No. 10]. In his Motion to Add Defendants, Felknor complains that he was previously denied access to the library in the U.S. District Courthouse in Shreveport, Louisiana, which prevented him from listing all the Defendants in this lawsuit. He complains further that he has no means of transportation, no access to the internet or a copy machine, and because he lives in a rural area, it takes three days for his mail to be delivered to the Fifth Circuit in New Orleans.

Despite his complaints, it is unclear what relief Felknor seeks from this Court. First, to the extent that he complains he was denied access to the law library in the Shreveport courthouse, the Court notes that the law library is for the use of the judges and their staff and is not open to the public. At any rate, it is unclear how Felknor's lack of access to the law library prevented him from naming all persons he believes should be Defendants in his lawsuit. If he is attempting

to obtain addresses for Defendants, he should be able to obtain that information by use of a computer at any public library in Louisiana. Likewise, public libraries generally have copy machines for use at a nominal fee.

Felknor also states that he only has “until[] April the 13th to compile all the defendants and submit [his] final completed [sic] complaint” to the Fifth Circuit. [Doc. No. 10, p. 1]. Thus, it appears that Felknor may be requesting an extension of time to complete the record on appeal and for leave to add new parties to his lawsuit. If so, his request must be made to the Fifth Circuit, where his appeal is pending. Accordingly,

IT IS ORDERED that this motion is TRANSFERRED to the Fifth Circuit for consideration.

MONROE, LOUISIANA, this 5th day of April, 2011.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE