

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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| JOSEPH A. KURTZ, |) | 8:15CV269 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| JOEY ANSON, |) | |
| |) | |
| Defendant. |) | |

Plaintiff Joseph Kurtz, a non-prisoner, filed a Motion for Leave to Proceed in Forma Pauperis. (Filing No. [2](#).) Upon review of Kurtz's motion, the court finds he is financially eligible to proceed in forma pauperis.

A word of caution to Kurtz: Kurtz has filed nine civil actions in this court since April of 2014; five of them since May of 2015. (*See Kurtz v. Whiskey Tango*, 8:15-cv-00179-LSC-PRSE; *Kurtz v. Omaha Police Department*, 8:15-cv-00202-LSC-PRSE; *Kurtz v. Anson, et al.*, 8:15-cv-00229-JMG-PRSE; *Kurtz v. Zumwalt*, 8:15-cv-00251-JMG-PRSE; and *Kurtz v. Anson*, 8:15-cv-00269-JMG-PRSE.) The right of access to the courts is not absolute or unconditional. The court cautions Kurtz of the rule that his right of access to the courts is not absolute and that he will not be allowed to abuse the legal system. *See In re Winslow*, 17 F.3d 314, 315 (10th Cir. 1994). Indeed, this court has the authority to enjoin a litigant who abuses the court system through vexatious and harassing litigation. *See, e.g., Tripati v. Beaman*, 878 F.2d 351, 352 (10th Cir. 1989). If the court determines at some later time that Kurtz has abused the legal system, the court may impose sanctions and filing restrictions.

IT IS ORDERED that leave to proceed in forma pauperis is provisionally granted, and the Complaint shall be filed without payment of fees. However, the court cautions Kurtz that abusing the privilege to proceed in forma pauperis could result in appropriate sanctions.

DATED this 23rd day of July, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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