

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

MARK HELSTROM,

Plaintiff,

vs.

**CIVIL ACTION
No. 03-4047-RDR**

J.R. KNUDSEN, et al.,

Defendants.

ORDER

This matter comes before the court on a submission made by the plaintiff to the undersigned chief judge which he styled as a motion but did not file with clerk's office. This is a civil action brought by the plaintiff pro se. He asks the undersigned chief judge to review this case, for reassignment of judges and for the proceeding to begin anew.

Section 28 U.S.C. 137 of the United States Code governs the distribution of case filings among district judges and provides, in relevant part:

Division of business among district judges

The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

This statute does not grant either express or implied authority to a chief judge to

take action in litigation which has been assigned to another judge of the court and remains pending before that judicial officer. United States v. Heath, 103 F. Supp. 1 (D. Haw. 1952)(holding an order of the chief judge filed after a criminal case was assigned to another judge was void). Rather, it is the duty of the chief judge “to insure that the agreed upon rules are enforced and are administered so as to carry out their purposes”. Utah-Idaho Sugar Company v. Ritter, 461 F.2d 1100, 1103 (10th Cir. 1972).

The relief sought by plaintiff would require an improper intrusion into the administration of an action pending before another judicial officer. Accordingly, no formal action will be taken upon the motions directed to the chief judge. The material submitted by the plaintiff will be placed on the left side of the file but will not be docketed. Plaintiff may submit an appropriate motion for filing in the pending action.

IT IS, THEREFORE, BY THE COURT ORDERED that no formal action will be taken upon the submission by plaintiff and that the material shall be placed on the left side of the file but will not be docketed.

Copies of this order shall be transmitted to the plaintiff, counsel for the defendants, and the Honorable Richard D. Rogers, Senior Judge.

IT IS SO ORDERED.

Dated at Kansas City, Kansas, this 25th day of May, 2004.

s/ John W. Lungstrum

s/ John W. Lungstrum

Chief Judge