

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

WESLEY TODD FITTRO,

Plaintiff,

vs.

SHERIFF JIM C. ARNOTT, et al.,

Defendants.

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Case No. 6:20-cv-03164-MDH

ORDER

Before the Court is *Pro Se* Plaintiff's handwritten Motion to Shorten Time or Reconsider. Though unclear, Plaintiff appears to once again ask this Court to intervene in various state-level criminal and civil proceedings in Missouri courts.

Multiple lawsuits and claims which plaintiff previously filed in this court have all been closed. There is no open case and the time for any appeal or motion to reopen or reconsider any of the cases has long passed. If Plaintiff seeks relief from this Court he must file a new complaint raising issues not previously presented to the court for consideration. As the Court has attempted to explain to Plaintiff in previous orders, the United States District Court for the Western District of Missouri does not generally have jurisdiction to overrule, second-guess, or micromanage the actions of the circuit courts of the State of Missouri. In the very limited instances on which the United States District Court is allowed to consider actions of the circuit courts of the State of Missouri, a plaintiff is required to demonstrate that he has fully exhausted all appeals and remedies available under state law. *See Heck v. Humphrey*, 512 U.S. 477 (1994) (recovering damages under § 1983 requires plaintiff show state conviction has been reversed, expunged, invalidated, or called

into question by federal *habeas corpus* writ). Here, Plaintiff has made no showing of an overturned or otherwise invalidated Missouri conviction.

Under Missouri law, appeal and review of the actions of a circuit court of Greene County and/or Christian County are available before the Missouri Court of Appeals—Southern District. If plaintiffs continue to believe they are aggrieved after consideration by the Missouri Court of Appeals, they may seek review before the Missouri Supreme Court.

When a plaintiff has exhausted all available remedies and appeals under Missouri law, he may seek relief for any violation of a federal law or of a constitutional right in the district court of the United States. In ruling on any such lawsuit, federal courts largely defer to actions of state courts in determining questions of fact, witness credibility, and any state judge's exercise of discretion authorized by state law. Accordingly, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

Dated: October 12, 2023

/s/ Douglas Harpool

DOUGLAS HARPOOL
United States District Judge