

IN THE CIVIL COURT OF ALLEN COUNTY, KANSAS

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Kyle J. Sutton |
Petitioner |
Pro-Se |

Civil Rights Complaint
State and Federal Tort

Vs.

Case#

2020 CV 2

Brian Murphy, et al. |
Respondent |

Civil Division / Jury Trial request

PETITION

COMES NOW, Petitioner, Kyle J. Sutton, Pro Se, respectfully requests entry of this Petition pursuant to First and Fourteenth Amendments of The Constitution of the United State of America, and The Constitution of Kansas, § 1 of The Kansas Bill of Rights. The following is in support of this petition:

FACTS

On 12/30/2019, Kyle J. Sutton was housed at Allen County Law enforcement Center awaiting court dates in the District Court of Wyandotte County, Kansas, Case# 2019 CR 001240.

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Sheriff Brian Murphy is a citizen of Allen County, Kansas; Toia, Kansas and at the time of this incident was employed as Sheriff of Allen County and is the policy maker of Allen County Law Enforcement Center, and Respondent falls under color of State Law.

Statement of Claim

1. Under color of State law, Respondent, Sheriff Brian Murphy willfully, knowingly, with deliberate indifference enforces unlawful practices and or customs to block detainees access to a Law Library, and legal copies; then refers all legal complaints by detainees to public defenders whom all state they do not practice Civil Law.
2. This Custom and or practice is the moving force behind the deprivation of Petitioner's First and Fourteenth Amendment of The United States Constitution, and §1 of The Kansas Bill of Rights that guarantees Kyle J. Sutton's right to Petition the government for a redress of grievances, and no State shall make or enforce any Law (Custom) which shall abridge the privileges or immunities of citizens of the United States.

Constitutional Injuries

1. Under color of State law, Respondent enforces Customs and or practice that deliberately blocks detainees from filing a proper law suit by denying access to a law library and legal copies which violates petitioners rights of equal protection of law, due process applicable to pretrial detainees through the Fourteenth Amend., petitioners freedom of speech and right to Petition the government for a redress of grievances protected by the First Amend. U.S. Const. and the §1 of The Kansas Bill of Rights.

Resolution/Relief

1. Petitioner request an "up-to-date" 2020 or (2019) edition law library maintained at Allen Co. L.E.C., and pay \$195.00 filing fee.

Conclusion

Wherefore, Petitioner, the undersigned pray for relief in accordance to law.

Respectfully Submitted
 Kyle J. Sutton - Pro Se
 Kyle J. Sutton 1/14/2020
 710 N. 7th St. Ste. 20 KCK 66101

Certificate of Service

I hereby certify that a copy of the foregoing Petition was placed in U.S. mail to The Civil Court of Allen Co. Kansas
 Kyle Sutton 1-14-2020
 Kyle Sutton

POVERTY AFFIDAVIT
(See instructions on page 1 of this form)

In the District Court of Allen County, Kansas: 2020 CV2
(Wy. Co. 25681)

I, Kyle J. Sutton, inmate number 0061369, am currently an inmate in the custody of the secretary of corrections and am unable to pay the full amount of the docket fee in this matter by reason of poverty. Pursuant to K.S.A. 60-2001(b)(2), the following information is provided in support.

Employment: I am employed; not employed.

My employer is: _____

My employer's address is: _____

Income: I receive income from the following other sources (list amount per week):

Employment income (after withholdings) is: \$ 0

Rental income: \$ 0

Interest and / or dividends: \$ 0

Spousal support and / or child support: \$ 0

Retirement, pension, social security: \$ 0

Disability, workers compensation: \$ 0

Unemployment benefits: \$ 0

Other Income (Describe) 0 \$ 0

TOTAL weekly income from all sources: \$ 0

Assets on Hand: I presently have the following assets (list value):

Cash (including bank accounts, prison accounts, and electronic accounts): \$ 0

Automobile, truck or other vehicle: \$ 0

Real property (home, building or land): \$ 0

Other assets (jewelry, watches, etc.): \$ 0

Other Assets: Are you a beneficiary of any current estate, trust, annuity, or life insurance policy? If so, please provide the details.

NO

Other Reasons: Explain any other facts or reasons why you cannot afford to pay the full amount of the docket fee in your case.

Homeless, Jobless, Bipolar

I do solemnly swear or affirm that the claim set forth in the motion is just, and I do further swear or affirm that, by reason of my poverty, I am unable to pay the full amount of the docket fee.

I, Kyle J. Sutton, declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2020.

Kyle J. Sutton
Signature of Movant

**ALLEN COUNTY DISTRICT COURT
1 N. WASHINGTON AVE, ROOM B
IOLA, KANSAS 66749
(620) 365-1425**

Kyle Sutton,
Plaintiff(s)

Vs.

Case No. 2020-CV-000002


Brian Murphy, Allen County Sheriffs Office,
Defendant(s)

ORDER FOR SCHEDULING AND DISCOVERY CONFERENCE

IT IS ORDERED that a scheduling and discovery conference will be held in the above entitled case on the **Tuesday, March 10, 2020, at 09:30 AM.**

NOTICE TO DEFENDANT(S)

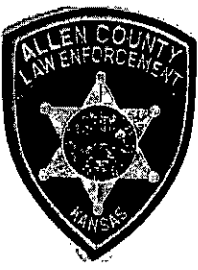
YOU ARE REQUIRED TO FILE WITH THE CLERK OF THE DISTRICT COURT A WRITTEN ANSWER OR RESPONSE TO THE PETITION WITHIN THE TIME STATED IN YOUR SUMMONS. SHOULD YOU FAIL TO FILE A WRITTEN ANSWER OR RESPONSE WITHIN THE REQUIRED TIME A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU AND NO SCHEDULING OR DISCOVERY CONFERENCE WILL BE HELD. PLEASE READ YOUR SUMMONS.



Daniel Dale Creitz
Judge of the District Court

Copy of Order delivered to Plaintiff's counsel.
Copy of Order to be served with Summons.

/s/ _____
Kenny Sue Miller



Allen County Law Enforcement Center

Return of Service

Case Number: 2020-CV-02 COURT: ALLEN COUNTY DISTRICT COURT

I declare under penalty of perjury that, I received this process on
_____ and served it by:

Personal Residential Certified Mail First Class Mail

TO: BRIAN MURPHY, SHERIFF
1 N WASHINGTON AVE
IOLA, KS 66749

NO SERVICE:

REASON: _____

Service Date: 1/21/2020 Service Time: _____

The foregoing information is true and correct.

Bryan J. Murphy, #101

Sheriff

[Handwritten Signature]
Process Server

1/21/2020
Date