

IN THE CIVIL COURT OF ALLEN COUNTY, KANSAS  
1 OF 4

John P. Kent  
Petitioner  
Pro-Se

Civil Rights Complaint  
State and Federal Tort

Case # 2020 CV3

Vs.

Brian Murphy, et al.  
Respondent

Civil Division / Jury Trial request

## PETITION

COMES NOW, Petitioner, John P. Kent, 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 11/18/2019, John P. Kent was incarcerated at Allen County Law Enforcement Center till 1/13/2020

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Sheriff Brian Murphy, is a citizen of Allen County, Kansas; 'Tola, 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 detainee's 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 John P. Kent'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

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1. Under color of state Law, Respondent enforces Customs and or practices that deliberately blocks detainees' from filing a proper Law suit by denying access to a Law library and legal copies which violates petitioners right 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 the cost of \$ 195.00 filing fee.

## Conclusion

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

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Respectfully Submitted  
John P. Kent Pro-Se  
John P. Kent 1/14/2020  
1 North Washington Ave  
P.O. Box 433  
Tola, KS 66749

## Certificate of Service

I hereby certify that a copy of  
the foregoing Petition was placed in  
the U.S. mail to the Civil Court  
of Allen Co. Kansas

John P. Kent  
John P. Kent 1/14/2020

# POVERTY AFFIDAVIT (FOR INMATES)

IN the District Court of ALLEN County, Kansas:  
2020 CV3

I, JOHN P. KENT, am currently an inmate in the custody of the ALLEN County Jail 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), the following information is provided in support.

Employment: I am  employed;  not employed.

My employer is: NONE

My employer's address is: NONE

Income: I receive income from the following other sources:

Employment income (after withholdings) is:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Rental income:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Interest and/or dividends:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Spousal support and/or child support:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Retirement, pension, social security:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Disability, workers compensation:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Unemployment benefits:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
Other Income (Describe)	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>
TOTAL weekly income from all sources:	\$	<u>0</u> <sup>00</sup> / <sub>100</sub>

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

Cash (including bank accounts, prison accounts, and electronic accounts): \$ 7 <sup>23</sup>/<sub>100</sub>

Automobile, truck or other vehicle: \$ 0 <sup>00</sup>/<sub>100</sub>

Real property (home, building or land): \$ 0 <sup>00</sup>/<sub>100</sub>

Other assets (jewelry, watches, etc.): \$ 0 <sup>00</sup>/<sub>100</sub>

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.

I've been in custody since August 27 2019. I have no income except what gifts my family sends to my jail account. Outside of jail I am homeless and am not working.

I do solemnly swear or affirm that the claims 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, JOHN P. KENT, declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2020

John P. Kent  
Signature of Movant

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

John Paul Kent,  
Plaintiff(s)

Vs.

Case No. 2020-CV-000003


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.**



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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-03 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

*Brian J. Murphy*    1/21/2020  
Process Server    Date