

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Kevin Michael Hoff,)
)
 Plaintiff,)
)
 vs.)
)
 Joseph Joyce, Warden, North Dakota)
 State Penitentiary,¹)
)
 Defendants.)
)
 _____)

ORDER FOR STATUS CONFERENCE

Case No. 1:22-cv-151

Kevin Michael Hoff,)
)
 Plaintiff,)
)
 vs.)
)
 Dave Krabbenhoft, Director of NDSP,)
 et al.,)
)
 Defendants.)
)
 _____)

Case No. 1:23-cv-029

Kevin Hoff,)
)
 Plaintiff,)
)
 vs.)
)
 Dave Krabbenhoft, et al.,)
)
 Defendants.)
)

Case No. 1:23-cr-083

¹ Plaintiff initiated Hoff I in September 2022 pro se and in forma pauperis against North Dakota State Penitentiary (“NDSP”) Warden James Sayler (“Sayler”) in his official capacity. See Case No. 1:22-cv-151 (D.N.D.). Sayler recently resigned from the NDSP. Since Sayler was sued in his official capacity, his successor, Joseph Joyce, is automatically substituted as the defendant pursuant to Fed. R. Civ. P. 25(d). The caption in Hoff I has been amended accordingly.

Since September 2022, Plaintiff has either filed or sought leave to file five separate actions asserting the same claims against various defendants. See Case No. 1:22-cv-151 (D.N.D.) (hereinafter "Hoff I"); Case No. 1:22-cv-209 (D.N.D.) ("Hoff II"); Case No. 1:23-cv-029 ("Hoff III"); Case No. 1:23-cv-059 (D.N.D.) ("Hoff IV"); and Case No. 1:23-cv-083 ("Hoff V").

Hoff I has progressed beyond the pleading stage; the court issued a scheduling order following a scheduling conference with the parties and set this matter for trial. In Hoff II and Hoff IV, the court denied Plaintiff's applications to proceed in forma pauperis and dismissed Plaintiff's complaints without prejudice. Hoff III and Hoff V are still at the initial stage; the court has yet to rule on the applications to proceed without prepayment of fees or screen the complaints submitted by Plaintiff.

The court finds it prudent at this point to schedule a status conference in Hoff I, Hoff III, and Hoff V, in order to definitively determine whether it is Plaintiff's intent to initiate three separate actions, which would, among other things obligate him to pay the filing for each case in installments.

Accordingly, a status conference in Hoff I, Hoff III, and Hoff V shall be scheduled for May 8, 2023, at 10:00 AM CDT by telephone before the undersigned. To participate in the conference, the parties should call (877) 810-9415 and enter access code 8992581.

IT IS SO ORDERED.

Dated this 28th day of April, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court