

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

RICHARD GREENLEE,

Plaintiff,

vs.

No. 04-2570-GTV

UNITED STATES POSTAL SERVICE,

Defendant.

ORDER OF DISMISSAL

The court has reviewed the file in this case as the result of an Order to Show Cause (Doc. 5) issued by Magistrate Judge Waxse on March 30, 2005, which required the plaintiff to show cause in writing to the undersigned United States District Judge why the case should not be dismissed pursuant to Fed. R. Civ. P. 4(m) for failure by plaintiff to accomplish service of summons and complaint on defendant within 120 days of the filing of the complaint. The order also required plaintiff to show cause why the case should not be dismissed an account of the failure to state a claim.

Plaintiff is proceeding *pro se*, and he has paid the full filing fee of \$150.00. His complaint was filed November 22, 2004, and no service of the summons and complaint on the defendant has been accomplished. More than 120 days has elapsed since the filing of the original complaint. The court has reviewed the plaintiff's response (Doc. 6) to the show cause order issued by Magistrate Judge Waxse as well as plaintiff's complaint (Doc. 1), his amended complaint (Doc. 2), and his second and third amended complaints (Docs. 3 and 7). Plaintiff has not shown good cause for his failure to complete service of process in the case. His response is fanciful and delusional. The case must be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m). In addition, the series of complaints that he has

filed do not state claims upon which relief can be granted. The allegations are likewise fanciful and delusional, and the case must be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

IT IS THEREFORE BY THE COURT ORDERED, that this case is dismissed as stated above.

The clerk is directed to transmit copies or notices of this order to the *pro se* plaintiff

BY THE COURT IT IS SO ORDERED.

Dated at Kansas City, Kansas, May 18, 2005.

/s/ G. T. VanBebber
G. Thomas VanBebber
United States Senior District Judge