

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRIS MYERS,

Plaintiff,

vs.

CIVIL ACTION
No. 05-3222-GTV

SONDRA ELLIOTT, et al.,

Defendants.

ORDER

This matter is before the court on a civil rights complaint filed by a prisoner at the Leavenworth, Kansas, facility operated by the Corrections Corporation of America (CCA). Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis.

Plaintiff contends that he had been denied access to the courts by the mailroom supervisor at the facility. He seeks damages, declaratory and injunctive relief, and other relief.

The Prison Litigation Reform Act, signed into law on April 26, 1996, amended 42 U.S.C. 1997e(a) to provide that "[N]o action shall be brought with respect to prison condi-

tions under ... any ... Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

The complaint reflects that plaintiff turned in a grievance to a lieutenant at the facility (Doc. 1, p.2). He states there was no response within 14 days; however, it does not appear that plaintiff sought review of the grievance by the warden. Accordingly, the court finds plaintiff has not shown that he has used the available administrative remedy procedure, as contemplated by 42 U.S.C. 1997e(a).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice to permit plaintiff to use available administrative remedies.

IT IS FURTHER ORDERED plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is denied.

A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

Dated at Kansas City, Kansas, this 24th day of May, 2005.

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