

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHRIS MYERS,

Plaintiff,

vs.

CIVIL ACTION  
No. 05-3263-SAC

JOHN DOE I, et al.,

Defendants.

ORDER

This matter is before the court on a civil action filed by a pretrial detainee held at the Leavenworth, Kansas, facility operated by the Corrections Corporation of America.

Plaintiff appears to claim the defendants have failed to provide adequate medical care for another person held at the facility, Raymond Button. Although it appears that Button signed the complaint, he has not submitted the filing fee or a motion for leave to proceed in forma pauperis.

While plaintiff Myers has submitted a motion for leave to proceed in forma pauperis (Doc. 2), he is subject to the provisions of 28 U.S.C. 1915(g), which prohibits a prisoner

who has on three prior occasions had a civil action or appeal "dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted" unless the prisoner demonstrates that he is in imminent danger of serious physical harm. The claims presented here do not suggest that plaintiff Myers is in such danger because the complaint appears to seek relief on behalf of inmate Button.

Next, because plaintiff Myers asserts claims on behalf of a third-party, namely, Mr. Button, he lacks standing in this action under section 1983. To pursue a claim under section 1983 for alleged constitutional violations, plaintiff Myers must alleged that he personally suffered an injury that was caused by Defendants. See Valley Forge Christian College v. Americans United for Separation of Church & State, Inc., 454 U.S. 464, 472 (1982)(citations omitted). Because Myers has not made such a showing, this matter must be dismissed.

The court will dismiss this matter without prejudice. Plaintiff Button may refile the complaint, but if he chooses to do so, he must submit either the filing fee of \$250.00 or a motion for leave to proceed in forma pauperis supported by a financial statement reflecting the balance and deposit

activity in his institutional account for the six months preceding the filing.

IT IS, THEREFORE, BY THE COURT ORDERED the motion of plaintiff Myers for leave to proceed in forma pauperis (Doc. 2) is denied.

IT IS FURTHER ORDERED this matter is dismissed without prejudice.

Copies of this order shall be transmitted to plaintiff Myers and to inmate Raymond Button.

**IT IS SO ORDERED.**

Dated at Topeka, Kansas, this 5th day of July, 2005.

S/ Sam A. Crow  
SAM A. CROW  
United States Senior District Judge