

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

**JAMES Q. WILLIAMS,**

**Plaintiff,**

**v.**

**BOARD OF COUNTY COMMISSIONERS OF  
JOHNSON COUNTY, KANSAS, et al.,**

**Defendants.**

**CIVIL ACTION**

**No. 06-2055-KHV**

**ORDER**

On February 17, 2006, plaintiff filed suit against the Board of County Commissioners of Johnson County, Kansas and Deputy Stapleton in their official and individual capacities. On August 17, 2006, the Court dismissed many of plaintiff's claims. See Memorandum And Order (Doc. #15) filed August 17, 2006 at 10-11. As to the only remaining federal claim, plaintiff's Section 1983 action against the Board of County Commissioners individually, the Court held that plaintiff had not accomplished proper service on defendants. Id. at 10. The Court granted plaintiff additional time to serve his complaint, pursuant to Rule 4 of the Federal Rules of Civil Procedure. Id. As of September 28, 2006, the files and records of the Court do not disclose that plaintiff has obtained service or sought additional time to do so.

The Court therefore finds that plaintiff's claim against the Board of County Commissioners in their individual capacities under 42 U.S.C. § 1983 should be dismissed for failure to properly serve defendants. The Court declines to exercise supplemental jurisdiction over plaintiff's remaining state law claim for negligence, and such claim is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 28th day of September, 2006, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge