IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TIMOTHY OWENS PARKS,	)	
	)	
Plaintiff,	)	**CIVIL ACTION**
	)	
v.	)	**No. 06-2173-KHV**
	)	
STATE OF KANSAS,	)	
	)	
Defendant.	)	
	)	

ORDER

On May 4, 2006, plaintiff filed a civil complaint. After review of plaintiff's complaint, Magistrate Judge David J. Waxse noted that plaintiff's allegations are incomprehensible and fail to state any understandable claim for relief. See Order (Doc. #3) filed July 7, 2006 at 2. Accordingly, Judge Waxse ordered plaintiff to show cause why the Court should not dismiss his case on the grounds that the complaint fails to state a claim upon which relief might be granted. Id. On August 18, 2006, Judge Waxse granted plaintiff leave to proceed in forma pauperis.

In response to the order to show cause, plaintiff requests an additional 30 days to respond and ascertain defendants' names. See Response To Order To Show Cause (Doc. #4) filed July 28, 2006. Plaintiff has not explained how additional time would help him or how he would be prejudiced by a dismissal. In general, a party should ascertain the identity of defendants before filing suit. On August 17, 2006, plaintiff filed an additional motion for extension of time to consult with counsel. See Emergency (Health Related) Request For Time To Consult Counsel And Submit Documents (Doc. #5). As with the

identity of defendants, plaintiff ordinarily should consult counsel before filing suit.[1] **The Court nevertheless will grant plaintiff until October 30, 2006 to file an amended complaint. If plaintiff does not file an amended complaint by October 30, 2006, the Court will dismiss this case in its entirety without prejudice**.

IT IS THEREFORE ORDERED that the Order (Doc. #8) and Order (Doc. #9) are **VACATED**.

IT IS FURTHER ORDERED that plaintiff's Emergency (Health Related) Request For Time To Consult Counsel And Submit Documents (Doc. #5) filed August 17, 2006 and plaintiff's Request For Response (On Extension) (Doc. #7) filed August 28, 2006 be and hereby are **SUSTAINED in part**. On or before **October 30, 2006**, plaintiff may file an amended complaint. **If plaintiff does not file an amended complaint by October 30, 2006, the Court will dismiss this case in its entirety without prejudice**.

Dated this 12th day of October, 2006 at Kansas City, Kansas.

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

---

[1] On August 28, 2006, plaintiff filed a third motion for extension of time because of health problems. See Request For Response (On Extension) (Doc. #7) filed August 28, 2006. Magistrate Judge Waxse overruled plaintiff's second and third motions for extension of time as moot because there were no pending deadlines in the case. See Order (Doc. #8) filed August 28, 2006; Order (Doc. #9) filed August 28, 2006. The Court, however, construes the motions for extension of time as requesting a further extension of time to respond to the Court's order to show cause. Accordingly, the Court vacates Judge Waxse's rulings on these motions.