

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TIMOTHY J. JAMES,

Petitioner,

v.

CASE NO. 06-3099-SAC

ROY DUNNAWAY, et al.,

Respondents.

O R D E R

Before the court is a pro se complaint submitted under 42 U.S.C. § 1983 by a prisoner confined in the Jefferson County Detention Center in Oskaloosa, Kansas. Also before the court is plaintiff's motion for the voluntary dismissal of the complaint. Plaintiff states the instant complaint was a prototype pleading he prepared prior to filing the complaint in 06-3044-SAC, James v. Dunaway, and was never intended to be submitted for filing.

The court's review of the complaint filed 06-3044-SAC finds support for plaintiff's stated reason for dismissal of the present complaint.

IT IS THEREFORE ORDERED that plaintiff's motion (Doc. 5) for voluntary dismissal of the instant complaint without prejudice, as an inadvertent duplicative filing to the complaint plaintiff filed in 06-3044-SAC, is granted.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2), motion for appointment of

counsel (Doc. 3), and motion for service (Doc. 4) are denied as moot.

IT IS SO ORDERED.

DATED: This 27th day of April 2006 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge