

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KENNETH R. MILLER,

Plaintiff,

v.

CASE NO. 06-3118-SAC

WILLIAM L. CUMMINGS,
et al.,

Defendants.

O R D E R

During screening in this case, the court issued a show cause order to plaintiff upon finding the complaint was subject to dismissal for failure to show exhaustion and to allege sufficient facts to state a claim. Instead of responding to the show cause order, plaintiff has filed a Motion for Voluntary Dismissal (Doc. 4) so that he may cure deficiencies in his claims. See Rule 41(a), FRCP. Summons has not issued in this case. The court finds the motion should be granted, and the action dismissed without prejudice.

IT IS THEREFORE ORDERED that plaintiff's motion for Voluntary Dismissal (Doc. 4) is sustained; and this action is dismissed and all relief denied without prejudice under FRCP 41(a).

IT IS SO ORDERED.

Dated this 7th day of June, 2006, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge