

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANIEL J. PARRISH,

Plaintiff,

v.

CASE NO. 06-3197-SAC

LARNED STATE
HOSPITAL,

Defendant.

O R D E R

This civil rights complaint, 42 U.S.C. 1983, was submitted for filing by a Kansas inmate confined in a wing for KDOC inmates at the Larned State Hospital, Larned, Kansas. The named defendant is Larned State Hospital.

Plaintiff complains of lack of legal and writing materials, postage provisions, and other allegedly unconstitutional conditions at the facility. Plaintiff requests several forms of relief including "federal intervention," a hearing by the U.S. Department of Justice examining conditions, and use of the U.S. Marshal Service (USMS) to assist in operating programs for prisoners there, among others.

In a prior order, the court found plaintiff has previously been designated a "three strikes litigant" pursuant to 28 U.S.C. 1915(g), and there was no basis to conclude plaintiff could be allowed to proceed in this matter without prepayment of the full filing fee. Plaintiff was informed by Order dated August 1, 2006, that he could proceed in this action only if he paid the full filing fee of

\$350.00 required for filing a civil rights complaint under 42 U.S.C. §1983. He was granted thirty (30) days from the date of that Order to submit the \$350 filing fee. He was notified that failure to pay the full filing fee within that time would result in the dismissal of this action without prejudice.

Plaintiff has not paid the filing fee within the time ordered by the court. The court concludes that this action may not proceed and must be dismissed without prejudice.

Plaintiff's Motion for Federal Intervention and for Court Order (Doc. 8) shall be denied as moot. Plaintiff's Motion to Set Aside (Doc. 10) shall also be denied as moot. The latter motion is not a request to set aside the court's prior order, and plaintiff has not objected to the court's findings in its prior order. The Motion to Set Aside simply withdraws plaintiff's prior request to be returned to the Kansas Department of Corrections.

IT IS THEREFORE ORDERED that this action is dismissed and all relief denied, without prejudice, for failure to pay the filing fee.

IT IS FURTHER ORDERED that plaintiff's Motion for Federal Intervention and Court Order (Doc. 8) and his Motion to Set Aside (Doc. 10) are denied as moot.

IT IS SO ORDERED.

Dated this 26th day of September, 2006, at Topeka, Kansas.

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