

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOSEPH GERARD
JENKINS,

Petitioner,

v.

CASE NO. 06-3213-SAC

STATE OF KANSAS,
et al.,

Respondents.

O R D E R

This petition for writ of habeas corpus, 28 U.S.C. 2254, was filed by an inmate of the Neosho County Jail, Chanute, Kansas. Having reviewed the materials filed, the court entered a Memorandum and Order on August 9, 2006, finding petitioner had not satisfied the filing fee by submitting either a motion to proceed without prepayment of fees or the appropriate filing fee. Petitioner was informed that this action may not proceed until the filing fee is satisfied. He was provided forms and time to satisfy the fee obligation.

The court further found petitioner was required to exhaust his claims in state court before proceeding in a federal habeas corpus action, 28 U.S.C. 2254(b)(1), but had failed to show orderly exhaustion of state court remedies. Petitioner was given time to supplement his petition to show exhaustion.

Finally, the court found that petitioner failed to state sufficient facts supporting a claim of entitlement to federal habeas corpus relief, could not challenge conditions of confinement in this

habeas action, and must have exhausted all administrative remedies at the jail as well as state court remedies before he could proceed on his non-habeas claims in federal court.

Petitioner was then granted twenty (20) days to satisfy the filing fee in this case and to show cause why this action should not be dismissed for failure to exhaust state remedies and failure to state a claim for federal habeas corpus relief, as discussed in the Court's Memorandum and Order dated August 9, 2006.

The time for petitioner to file a response has expired, and he has filed no response. The court finds this action should be dismissed for the reasons stated in its Memorandum and Order of August 9, 2006, and on account of petitioner's failure to satisfy the filing fee and to respond to the Court's Memorandum and Order.

IT IS THEREFORE ORDERED that this action is dismissed and all relief denied, without prejudice.

IT IS SO ORDERED.

Dated this 14th day of September, 2006, at Topeka, Kansas.

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