

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL SHAWN O'SHIELDS,

Plaintiff,

v.

CASE NO. 06-3230-SAC

RUTH RITHAULLER,
et al.,

Defendants.

O R D E R

This civil rights complaint, 42 U.S.C. 1983, was filed by an inmate of the Montgomery County Jail, Independence, Kansas, together with an Application to Proceed Without Prepayment of Fees (Doc. 2). The court entered a Memorandum and Order on September 11, 2006, granting plaintiff thirty (30) days in which to submit an initial partial filing fee of \$8.50, and to show cause why this action should not be dismissed for the reasons stated in the court's Memorandum and Order. The time has passed with no response or submission of the partial filing fee by plaintiff. The court therefore concludes this action must be dismissed for failure to pay the partial filing fee and for failure to respond to the court's prior Memorandum and Order.

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

IT IS FURTHER ORDERED that plaintiff's Motion for Leave to Proceed Without Prepayment of Fees (Doc. 2) is denied as moot.

IT IS SO ORDERED.

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

s/Sam A. Crow

U. S. Senior District Judge