

In this post-judgment motion, plaintiff Overby alleged he has had a "staff (sic) infection" and was "presently locked in his cell as a result, and had been transferred from 2A to a medium custody cell in 4B. He appears to allege he will try to fully exhaust his administrative remedies by asking questions and turning in requests, and will eventually forward proof of exhaustion to the court.

Plaintiff was informed in the court's prior show cause order that under 42 U.S.C. 1997e(a), "No action ***shall be brought*** with respect to prison conditions under (any federal law) by a prisoner confined in any (correctional facility) until such administrative remedies as are available are exhausted." Id. (emphasis supplied). It appears from plaintiff Overby's allegations that he had not exhausted his administrative remedies prior to filing his complaint. Moreover, the court finds plaintiff failed to respond to the court's prior order in the time provided, and still has not addressed the deficiencies in the complaint found during screening. The court further finds that no substantial reason for his failure to timely or adequately respond to the court's show cause order has been alleged or shown.

**IT IS THEREFORE ORDERED** that plaintiff Overby's Motion for Relief from Judgment (Doc. 6) is denied.

**IT IS SO ORDERED.**

Dated this 21st day of November, 2006, at Topeka, Kansas.

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