

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES E. OVERBY, Plaintiff,

v.

CASE NO. 06-3328-SAC

JOHNSON COUNTY ADULT
DETENTION CENTER,
et al.,

Defendants.

O R D E R

This civil rights complaint, 42 U.S.C. 1983, was filed by an inmate of the Johnson County Adult Detention Center, Olathe, Kansas. Plaintiff complains of conditions, which he claims amount to cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments.

This court screened the materials filed by plaintiff under 28 U.S.C. 1915A(a) and (b), and found the complaint was subject to being dismissed. A Memorandum and Order was issued on December 22, 2006, granting plaintiff time in which to show cause why this action should not be dismissed for the reasons stated therein. The time has passed, and plaintiff has not filed a response. The court concludes this action must be dismissed for the reasons stated in its Memorandum and Order of December 22, 2006.

IT IS THEREFORE ORDERED that this action is dismissed, without prejudice, for failure to show full exhaustion of administrative remedies and for failure to respond to the court's

show cause order.

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

IT IS SO ORDERED.

Dated this 18th day of January, 2007, at Topeka, Kansas.

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