

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RONALD MURRAY,

Plaintiff,

v.

CASE NO. 07-3248-SAC

R. KELLY, et al.,

Defendants.

O R D E R

Plaintiff in this civil rights complaint, 42 U.S.C. § 1983, seeks declaratory judgment and money damages based upon assertions that his due process rights were violated during two distinct prison disciplinary proceedings while he was an inmate at the El Dorado Correctional Facility, El Dorado, Kansas (EDCF). On November 13, 2007, this court, upon screening pursuant to 28 U.S.C. § 1915A(a) and (b), entered an Order requiring plaintiff to show cause why this action should not be dismissed for the reasons stated in that Order, including that his claims for declaratory relief and money damages based upon disciplinary actions which have not been overturned are barred as premature under Heck v. Humphrey, 512 U.S. 477, 481 (1994) and Edwards v. Balisok, 520 U.S. 641, 648 (1997).

Plaintiff filed a timely response to the court's prior Order, but did not address this crucial issue. The court finds this action must be dismissed, without prejudice, as barred by Heck and Edwards as fully discussed in its Order of November 13, 2007.

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

The clerk is directed to transmit a copy of this Order to the financial officer at the institution where plaintiff is currently confined.

**IT IS SO ORDERED.**

Dated this 3<sup>rd</sup> day of April, 2008, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge