

DJW/bh

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ALVIN ARNOLD, JR,

Petitioner,

CIVIL ACTION

v.

No. 07-3296-KHV-DJW

SAM CLINE, Warden, et al.,

Respondents.

ORDER

On April 7, 2008, the Court entered an Order (doc. 15) directing Petitioner to show cause why his Motion for Relief (doc. 14) should not be denied for failure to comply with Federal Rule of Civil Procedure 7(b)(1). Petitioner filed his response to the Show Cause Order on April 15, 2008 (doc. 16).

Rule 7(b)(1) provides that “[a]n application to the court for an order shall be by motion which . . . shall state with particularity the grounds therefor, and shall set forth the relief or order sought.”¹ The Court finds that Petitioner’s Motion does not set forth a valid, understandable request for relief or for order, as required by Rule 7(b)(1). In addition, the Motion does not comply with D. Kan. Rules 7.1 and 7.6., in that it is not accompanied by a memorandum which sets forth a statement of the nature of the matter before the Court, a factual statement, a statement of the question(s) presented, a section containing Petitioner’s arguments, and the legal authorities upon which Petitioner relies. The Court does not find that Petitioner’s response to the Show Cause Order sheds light on what relief Petitioner is requesting in his Motion.

¹Fed. R. Civ. P. 7(b)(1).

The Court recognizes that Petitioner is proceeding in this action pro se and that the Court must construe pro se pleadings liberally. Even applying this liberal standard, however, the Court is unable to determine what relief Petitioner seeks in his motion. The Motion is therefore denied without prejudice.

IT IS THEREFORE ORDERED that Petitioner's Motion for Relief (doc.14) is denied without prejudice,

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 28th day of April 2008.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties