

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBERT DEAN JOHNSON,

Plaintiff,

v.

CASE NO. 07-3299-SAC

DAVID R. MCKUNE,
et al.,

Defendants.

O R D E R

This civil rights complaint was filed pursuant to 42 U.S.C. § 1983 by an inmate of the Hutchinson Correctional Facility, Hutchinson, Kansas (LCF) claiming he was assaulted and battered by another inmate and seeking money damages. Plaintiff paid the filing fee in full.

On December 21, 2007, this court entered an Order granting plaintiff thirty (30) days in which to submit an amended complaint to cure deficiencies found upon screening as set forth in the court's Order. The time for response has expired, and plaintiff has not filed an amended complaint or any response or objection to the court's Order¹. The court concludes this action must be dismissed, without prejudice, for the reasons stated in the court's Order of December 21, 2007, and on account of plaintiff's failure to comply with that Order.

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He has corresponded with the clerk to inquire if he may receive a refund of his filing fee, and was informed that he may not.

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

IT IS SO ORDERED.

Dated this 6th day of February, 2008, at Topeka, Kansas.

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