

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HESSAM GHANE,

Plaintiff,

v.

CASE NO. 08-3001-SAC

EVERCOM INC., et al.,

Defendants.

O R D E R

Plaintiff proceeds pro se on a civil complaint seeking relief on allegations of antitrust violations regarding the rates charged for telephone service during his earlier confinement in a private detention center operated by the Corrections Corporation of America in Leavenworth, Kansas.

By an order dated February 28, 2011, the court modified the initial partial filing fee required in this matter, and again directed plaintiff to show cause why the complaint should not be summarily dismissed for reasons stated in previous court orders. In response, plaintiff filed a motion to "temporarily withdraw" his complaint until his health and finances improve.

The court liberally construes plaintiff's motion as either a request for a stay, or as a request for voluntarily dismissal of the complaint without prejudice. Given plaintiff's failure to address the filing fee requirement or file any response to the court's show cause order, the court finds the circumstances do not support an indefinite stay of this matter. Accordingly, the court denies

plaintiff's pending motions for leave to proceed in forma pauperis, and grants the alternative request presented in plaintiff's motion for dismissal of the complaint without prejudice.

IT IS THEREFORE ORDERED that plaintiff's motions for leave to proceed in forma pauperis (Docs. 11, 16, and 17) are denied.

IT IS FURTHER ORDERED that plaintiff's motion to temporarily withdraw his complaint is liberally construed by the court as seeking the voluntary dismissal of the complaint, and that the court grants this request and dismisses the complaint without prejudice.

IT IS SO ORDERED.

DATED: This 30th day of March 2011 at Topeka, Kansas.

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