

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RICHARD L. JONES,

Petitioner,

v.

CASE NO. 08-3285-RDR

C. CHESTER,  
et al.,

Respondents.

O R D E R

This action was filed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, by an inmate of the Federal Prison Camp, Leavenworth, Kansas. Upon screening, the court entered an order finding that Mr. Jones' claims were not properly brought in a habeas corpus petition, and noting that the correct vehicle for a federal inmate's claims of denial of medical treatment is a civil rights action under Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). Mr. Jones was given the opportunity to have the instant petition construed as a civil rights complaint under Bivens, and warned that if he decided not to convert this case, this action would be dismissed, without prejudice, for failure to state a claim cognizable under 28 U.S.C. § 2241. He was further advised that to proceed herein under Bivens he would have to file an Amended Complaint and satisfy the filing fee for a civil rights complaint. The court further screened Mr. Jones' claims, set forth deficiencies therein, and provided him with the opportunity to cure

these deficiencies. The time in which plaintiff was ordered to respond has expired, and nothing further has been submitted by him in this case. The court finds that this action must be dismissed, without prejudice, on account of Mr. Jones' failure to respond to the orders of the court.

**IT IS THEREFORE ORDERED** that this action is dismissed, without prejudice.

**DATED: This 9<sup>th</sup> day of April, 2009, at Topeka, Kansas.**

**s/RICHARD D. ROGERS**  
**United States District Judge**