

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DARSHAWN WITHERSPOON,

Plaintiff,

v.

CASE NO. 11-3166-SAC

JAMES FLOREZ, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed pursuant to 42 U.S.C. § 1983. The plaintiff's claims in this matter allege that he has been hindered in becoming productive citizen; that the Wyandotte County Jail has formulated perjury, blackmail, and criminal injustices against him, and that he has been falsely incarcerated in the jail in antagonizing conditions.

By an earlier order, the court directed plaintiff to supplement the motion to proceed in forma pauperis and to amend the complaint to provide specific allegations of fact and legal claims.

In response, plaintiff filed limited financial records and several supplements to the complaint. The court has examined these materials as well as electronic records maintained by the Kansas Department of Corrections¹ and finds that plaintiff submitted the present complaint shortly after his release from confinement. Accordingly, the court concludes the Prison Litigation Reform Act

¹<http://www.dc.state.ks.us/kasper>

does not govern the plaintiff's motion. The court further finds plaintiff is unable to pay the \$350.00 filing fee and will grant the motion to proceed in forma pauperis.

Next, while plaintiff has supplemented the record with documents including an affidavit supporting an application for a warrant that describes him throwing a bed at the wall of his jail cell and making threats to kill jail personnel after his release, and various citations showing municipal court dates, he has not identified any legal grounds for his claims in this action, as directed in the court's earlier order.

As the court previously explained, while plaintiff is entitled to a liberal construction of his pleadings, he must provide a complaint that provides "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The court has carefully reviewed the supplemental materials but finds no basis to allow this matter to proceed. The materials themselves do not provide the requisite statement showing plaintiff is entitled to relief. Nor does plaintiff provide any explanation of the legal rights he believes have been violated by the defendants, despite the court's direction that he must provide an explanation of how the acts or omissions of the defendants violated his protected rights. Because plaintiff's submissions and complaint do not identify any cognizable claim for relief, the court concludes this matter must be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to proceed in forma pauperis (Doc. 2) is granted.

IT IS FURTHER ORDERED that this matter is dismissed for failure to state a claim upon which relief may be granted. A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

DATED: This 29th day of June, 2012, at Topeka, Kansas.

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