

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

**RYAN CHEATHAM,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **ACH, et al.,** )  
 **Defendants.** )

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**Case No. 15-3211**

**MEMORANDUM AND ORDER**

Plaintiff Ryan Cheatham, a prisoner proceeding pro se, brought this action against defendants ACH Medical Service, Melissa (Inu), and Leavenworth County Sheriff’s Department. Plaintiff claims that defendants ignored his mental health needs, violating the Eighth Amendment and plaintiff’s due process rights. Defendants ACH Medical Service and Melissa (Inu) filed a motion to dismiss (Doc. 30). In their motion, defendants argue that plaintiff failed to a state claim because he does not plead adequate facts to support his claims.

Defendants bear the burden of showing that a complaint should be dismissed. In their motion, however, defendants offer very little analysis and cite Eighth Circuit law instead of Tenth Circuit law. Defendants’ motion to dismiss equates to about four pages of text, and of those four pages, defendants offer only a few sentences of analysis. Plaintiff’s complaint, on the other hand, does contain a statement of his claim with some supporting facts. Specifically, plaintiff claims that defendants were aware that he needed mental health treatment and medication but ignored his requests for help. He asserts that because he did not receive treatment, eventually he tried to commit suicide. He claims that he still has not been treated after his suicide attempt.

The court is uncertain at this point whether plaintiff's complaint should survive a well-supported motion to dismiss. But the court will not make arguments for defendants—particularly when the plaintiff proceeds pro se.

**IT IS THEREFORE ORDERED** that defendants' motion to dismiss (Doc. 30) is denied.

Dated this 23rd day of November, 2016, at Kansas City, Kansas.

**s/ Carlos Murguia**  
**CARLOS MURGUIA**  
**United States District Judge**