

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

SHAWN W. MCDIFFETT,

Plaintiff,

v.

CHARLES NANCE, et al.,

Defendants.

Case No. 17-3037-JAR-JPO

ORDER TO SHOW CAUSE

Plaintiff brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff previously notified the Court that he would be transferred to federal custody sometime after March 1, 2019.¹ On February 14, 2019, the Court entered an Order directing Plaintiff to notify the Court through a proper notice of change of address as soon as he was transferred to a federal facility.² On February 27, 2019, Defendants filed a Motion to Dismiss, or in the Alternative, for Summary Judgment.³

The website for the Bureau of Prisons (“BOP”) shows that Plaintiff is incarcerated at Yazoo City Medium FCI in Yazoo City, Mississippi.⁴ Plaintiff has not provided the Court with a notice of change of address, as directed by the Court in its February 14 Order. Plaintiff has also failed to respond to Defendants’ pending Motion to Dismiss, or in the Alternative, for Summary Judgment.

¹ Doc. 54.

² Doc. 55.

³ Doc. 58.

⁴ See <https://www.bop.gov/inmateloc/> (last visited July 11, 2019). Yazoo City Medium FCI is located at 2225 Haley Barbour Parkway, Yazoo City, MS 39194. See <https://www.bop.gov/locations/institutions/yam/> (last visited July 11, 2019).

Responses to dispositive motions “must be filed and served within 21 days.”⁵ Local Rule 7.4(b) provides that absent a showing of excusable neglect, a party or attorney who does not timely file a response brief waives the right to later file such a brief and that the court will decide such motions as unopposed and usually grant them without further notice. Plaintiff is therefore directed to good show cause, in writing, on or before August 9, 2019, why Defendants’ motion should not be granted as unopposed. Plaintiff shall also file any response to Defendants’ motions by August 9, 2019. If Plaintiff fails to respond to this order, or to file a response as directed, the Court will consider Defendants’ motion as unopposed as described in D. Kan. Rule 7.4(b).

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff show good cause, in writing, on or before August 9, 2019, why Defendants’ Motion to Dismiss, or in the Alternative, for Summary Judgment (Doc. 58) should not be granted as unopposed. Plaintiff shall file any response to Defendants’ motion by August 9, 2019. If Plaintiff fails to respond to this order, or to file responses as directed, the Court will consider Defendants’ motion as unopposed as described in D. Kan. Rule 7.4(b).

The clerk is directed to mail this Order to Show Cause to Plaintiff’s current location according to the BOP’s website.

IT IS SO ORDERED.

Dated: July 15, 2019

s/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE

⁵ D. Kan. Rule 6.1(d)(2).