

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

DALLAS GUY,

Plaintiff,

v.

CASE NO. 17-3060-SAC

SAM CLINE, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The Court granted Plaintiff leave to proceed in forma pauperis. Plaintiff is incarcerated at the Lansing Correctional Facility in Lansing, Kansas (“LCF”). On October 24, 2017, the Court screened Plaintiff’s Complaint and entered a Memorandum Order and Order to Show Cause (“MOSC”) (Doc. 5), giving Plaintiff until November 27, 2017, to either show cause why his case should not be dismissed for the reasons set forth in the MOSC or to file a proper amended complaint.

Plaintiff names as defendants: Warden Sam Cline; Unit Team Manager (“UTM”) Lindsey Wildermuth; and EAI John Bousfield. In the MOSC, the Court found that: Plaintiff’s claims for monetary damages against Defendants in their official capacities are subject to dismissal as barred by sovereign immunity; because Plaintiff has failed to allege any personal involvement by Defendant Cline or Defendant Wildermuth, his individual capacity claims against these defendants are subject to dismissal; and Plaintiff’s individual capacity claim against Defendant Bousfield is subject to dismissal for failure to allege that he acted with deliberate indifference.

The Court's MOSC required Plaintiff to show good cause why his Complaint should not be dismissed for the reasons stated therein. Plaintiff was also given the opportunity to file a complete and proper Amended Complaint upon court-approved forms that cures all the deficiencies discussed therein. The MOSC provides that "[i]f Plaintiff does not file an Amended Complaint within the prescribed time that cures all the deficiencies discussed herein, this matter will be decided based upon the current deficient Complaint." (Doc. 5, at 7.) Plaintiff has failed to address the deficiencies and has failed to file an amended complaint. The Court finds that this case should be dismissed due to the deficiencies set forth in the MOSC.

IT IS THEREFORE ORDERED BY THE COURT that this action is **dismissed** for failure to state a claim.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 29th day of November, 2017.

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