

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

SOULAKHONE NOLA,

Plaintiff,

v.

CASE NO. 17-3170-SAC

(FNU) BUCK, SAM CLINE,

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. On December 22, 2018, the Court entered a Memorandum and Order to Show Cause (“MOSC”) (Doc. 12), giving Plaintiff until January 22, 2018, to show cause why his case should not be dismissed for the reasons set forth in the MOSC. Plaintiff has failed to respond to the MOSC.

Plaintiff’s Complaint alleged that Sam Cline, Warden at Lansing Correctional Facility (“LCF”), transferred inmates to the Jackson County Jail to relieve overcrowding at LCF. Plaintiff alleged that Defendant S. Buck, Captain at Jackson County Jail (“JCJ”), conspired with KDOC to house the inmates from LCF. Plaintiff also alleged that he was denied access to the law library, recreation, and medical treatment at JCJ. Plaintiff sought transfer back to KDOC and relief from overcrowding; access to medical care; and compensatory damages in the amount of \$250,000.

In the MOSC, the Court found that: because Plaintiff is no longer housed at JCJ, his requests for injunctive relief are moot and subject to dismissal; and Plaintiff’s request for

compensatory damages is barred by 42 U.S.C. § 1997e(e), because Plaintiff has failed to allege a physical injury.

The Court's MOSC required Plaintiff to show good cause why his Complaint should not be dismissed for the reasons stated therein. Plaintiff has failed to address the deficiencies. 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 26th day of January, 2018.

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