

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

ANTHONY EARL RIDLEY,

Plaintiff,

v.

CASE NO. 17-3214-SAC

**KANSAS DEPARTMENT OF CORRECTIONS,
et al.,**

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for extension of time (Doc. #6). On December 13, 2017, the Court granted plaintiff to and including January 6, 2018, to show cause why this matter should not be dismissed without prejudice to allow him to seek relief through the administrative grievance procedure available to prisoners in state custody.

Under 42 U.S.C. § 1997e(a) of the Prison Litigation Reform Act, a prisoner must seek relief through the prison's administrative remedy process before commencing a lawsuit concerning prison conditions. *Booth v. Churner*, 532 U.S. 731, 733-34 (2001). It is not sufficient that a prisoner has begun the grievance procedure before filing a federal lawsuit, the prisoner must complete the process prior to filing suit. *Jernigan v. Stuchell*, 304 F.3d 1030, 1032 (10th Cir. 2002).

Plaintiff also submitted an interdepartmental memorandum form dated December 19, 2017¹ (Doc. #5). The form, which does not show an addressee or a grievance number, appears to seek an extension of time

¹ The date is handwritten and appears to be in plaintiff's handwriting.

to respond to plaintiff's grievance. This form, however, supports the position that the plaintiff did not complete the grievance process before he filed his complaint on December 6, 2017.

Accordingly, the Court finds no ground to grant an extension of time in this matter and will deny the motion for extension of time.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion for an extension of time (Doc. #6) is denied.

IT IS SO ORDERED.

DATED: This 29th day of December, 2017, at Topeka, Kansas.

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