

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

JONATHAN LEVI MANGOLD,

Plaintiff,

v.

CASE NO. 18-3019-SAC

SHERRI SCHUCK, and

JEFF ELDER,

Defendants.

MEMORANDUM AND ORDER

Plaintiff filed this civil rights action claiming defendants violated Kansas statutes dealing with the mandatory disposition of detainees. Plaintiff's Complaint involves his state criminal proceedings and names as defendants his state prosecutor and the state court judge. On May 18, 2018, the Court entered a Memorandum and Order and Order to Shaw Cause (Doc. 5) ("MOSC"), directing Plaintiff to show good cause by June 18, 2018, why his Complaint should not be dismissed for the reasons stated in the MOSC. The MOSC found that: Plaintiff's claim against the state court judge should be dismissed on the basis of judicial immunity; Plaintiff's claims against the District Attorney fail on the ground of prosecutorial immunity; and the allegation that a state statute or state constitution was violated fails to state a claim under § 1983. "In order to state a § 1983 claim, a plaintiff must 'allege the violation of a right secured by the Constitution and laws of the United States, and show that the alleged deprivation was committed by a person acting under color of state law.'" *Bruner v. Baker*, 506 F.3d 1021, 1025–26 (10th Cir. 2007) (citation omitted). "[A] violation of state law alone does not give rise to a federal cause of action under § 1983." *Malek v. Haun*, 26 F.3d 1013, 1016 (10th Cir. 1994) (citation omitted).

Plaintiff has failed to respond within the allowed time and the Court finds that this matter should be dismissed for the reasons set forth in the MOSC.

IT IS THEREFORE ORDERED THAT this matter is **dismissed** for failure to state a claim.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 20th day of June, 2018.

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