

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

ANTHONY K. JOHNSON,

Plaintiff,

v.

CASE NO. 18-3079-SAC

CLINT ARNOLD, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. At the time of filing, Plaintiff was an inmate at the Riley County Jail in Manhattan, Kansas. The Court entered a Memorandum and Order and Order to Show Cause (Doc. 7) (“MOSC”) granting Plaintiff until November 12, 2018, in which to either show cause why his Complaint should not be dismissed or to file a proper amended complaint. Plaintiff filed a response (Doc. 8) on November 8, 2018, indicating that he had been transferred to the Saline County Jail. In his response, Plaintiff reargues allegations regarding his other case pending before this Court (Case No. 18-3072), but fails to address any of the deficiencies set forth in the MOSC.

Plaintiff’s allegations in his Complaint involve his state criminal proceedings. *See* Case No. 2017-cr-000087 in Geary County District Court. Plaintiff alleges in his Complaint (Doc. 1) that on January 23, 2017, he was “trailed” by Officer Clint Arnold in Geary County, Kansas. Plaintiff alleges that he was “pulled over apparently for no good reason,” and was jailed without receiving a ticket. Plaintiff alleges that he went to trial and the case was dismissed. Plaintiff names

as Defendants Clint Arnold and the Geary County Sheriff's Department. He seeks repayment of his bond money, and payment for loss of his time and wages.

In the MOSC, the Court found that: Plaintiff has pointed to no policy or deficiency in the training program used by the Sheriff or Geary County and no causal link between any such inadequacy and any allegedly unconstitutional acts of the officer; Plaintiff's bare, conclusory allegation fails to state a constitutional violation; Plaintiff has not identified particular acts or omissions by Defendant Arnold; Plaintiff has failed to allege a constitutional violation, and the Court will not supply additional factual allegations to round out Plaintiff's Complaint or construct a legal theory on his behalf; Plaintiff has failed to allege how Defendant Arnold participated in Plaintiff's arrest and/or prosecution; if Plaintiff is relying on the participation by Defendant Arnold in his confinement, he must allege a "misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law"; and Plaintiff's state court criminal proceeding was dismissed without prejudice and he has not shown that it was dismissed for reasons indicative of innocence.

Plaintiff has failed to show cause why his Complaint should not be dismissed for the reasons set forth in the Court's MOSC.

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

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 4th day of June, 2019.

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