

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

**TIMOTHY LEONARD LEE MEDEL,**

**Plaintiff,**

v.

**CASE NO. 18-3216-SAC**

**JAMES R. SCHROEDER, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiff proceeds pro se and in forma pauperis in this prisoner civil rights action. On April 9, 2019, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 8) (“MOSC”), granting Plaintiff until May 9, 2019, in which to show good cause why Plaintiff’s Complaint (Doc. 1) should not be dismissed for the reasons stated in the MOSC. The Court also granted Plaintiff until May 9, 2019, in which to file a complete and proper amended complaint to cure all the deficiencies discussed in the MOSC. Plaintiff has failed to respond to the MOSC within the allowed time.

The Court found in the MOSC that: a claim for monetary damages against the state officials in their official capacities is subject to dismissal as barred by sovereign immunity; Plaintiff’s claims against the state court judge should be dismissed on the basis of judicial immunity; Plaintiff’s claims against the Thomas County District Attorney fail on the ground of prosecutorial immunity; to the extent Plaintiff challenges the validity of his sentence or conviction, his federal claim must be presented in habeas corpus and a petition for habeas corpus is premature until Plaintiff has exhausted available state court remedies; before Plaintiff may

proceed in a federal civil action for monetary damages based upon an invalid conviction or sentence, he must show that his conviction or sentence has been overturned, reversed, or otherwise called into question and Plaintiff has not alleged that the conviction or sentence has been invalidated; and even if Plaintiff could show that his claim did not necessarily implicate the validity of his conviction or sentence, he would still need to show that he suffered an injury.

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

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

**IT IS SO ORDERED.**

**Dated in Topeka, Kansas, on this 14th day of May, 2019.**

**S/ Sam A. Crow**  
**SAM A. CROW**  
**SENIOR U. S. DISTRICT JUDGE**