

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

**ROBERT ANTONIO GALLEGOS,**

**Plaintiff,**

**v.**

**CASE NO. 18-3256-SAC**

**FINNEY COUNTY, KANSAS, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiff, appearing pro se and in forma pauperis, filed this civil rights complaint under 42 U.S.C. § 1983, alleging that his constitutional rights were violated while he was housed at the Finney County Jail in Garden City, Kansas (“FCJ”). On April 3, 2019, the Court entered a Memorandum and Order (Doc. 5) dismissing Defendant FCJ and finding that Plaintiff’s claims against Finney County, Kansas, are subject to dismissal because Plaintiff has pointed to no policy or deficiency in the training program used by the Finney County Sheriff’s Department or Finney County and no causal link between any such inadequacy and the allegedly unconstitutional acts of jail staff. The Court also found that because Plaintiff has failed to allege any personal involvement by Defendants Bascue and Welch, his claims against these defendants are subject to dismissal. Regarding Plaintiff’s failure to protect claim, the Court found that the proper processing of Plaintiff’s claim could not be achieved without additional information from appropriate officials of the FCJ. *See Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978); *see also Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991). Accordingly, the Court ordered the appropriate officials of the FCJ to prepare and file a *Martinez* Report, noting that once the report has been received, the Court can properly screen Plaintiff’s claims under 28 U.S.C. § 1915. At the direction of the Court, counsel for the FCJ filed a *Martinez* Report (Docs. 9, 11).

On June 26, 2019, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 14) (“MOSC”), granting Plaintiff until July 17, 2019, in which to show good cause why his Complaint should not be dismissed for the reasons set forth in the Court’s Memorandum and Order at Doc. 5 and the MOSC. Plaintiff has failed to respond to the MOSC by the deadline. The Court finds that this case should be dismissed for failure to state a claim as set forth in the Memorandum and Order and Doc. 5 and 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 26th day of July, 2019.**

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