

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

CHRIS LEWIS MAYS,

Plaintiff,

v.

CASE NO. 18-3302-SAC

**ALLEN COUNTY SHERIFF'S
OFFICE,**

Defendant.

MEMORANDUM AND ORDER

Plaintiff proceeds pro se and in forma pauperis in this prisoner civil rights action. On January 29, 2019, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 8) (“MOSC”), granting Plaintiff until February 28, 2019, in which to show good cause why Plaintiff’s Complaint (Doc. 1) should not be dismissed for the reasons stated in the MOSC. Plaintiff has failed to respond to the MOSC by the Court’s deadline.

Although Plaintiff was detained at the Wyandotte County Sheriff’s Office at the time of filing, the acts giving rise to his Complaint occurred while he was detained at the Allen County Sheriff’s Office. Plaintiff alleges that on September 26, 2018, he requested a religious diet with no pork. He alleges that from September 26, 2018, until October 11, 2018, he continued to receive port as part of his diet. Plaintiff names the Allen County Sheriff’s Office as the sole defendant and seeks injunctive relief, compensatory damages and punitive damages.

In the MOSC, the Court noted that: because Plaintiff is no longer detained at the Allen County Sheriff’s Office, his request for injunctive relief is moot; Plaintiff names the Allen County Sheriff’s Office as the sole defendant and fails to allege personal participation in the deprivation of his constitutional rights; Plaintiff’s request for compensatory damages is barred by 42 U.S.C. § 1997e(e), because Plaintiff has failed to allege a physical injury; and Plaintiff presents no

plausible basis for a claim of punitive damages because he alleges no facts whatsoever establishing that any defendant acted with a sufficiently culpable state of mind.

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 5th day of March, 2019.

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