

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

MICHAEL A. NEFF,

Plaintiff,

v.

CASE NO. 19-3034-SAC

**WINFIELD CORRECTIONAL
FACILITY, 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 incarcerated at the El Dorado Correctional Facility-Central in El Dorado, Kansas (“EDCF”). The Court granted Plaintiff leave to proceed *in forma pauperis*. The Court entered a Memorandum and Order and Order to Show Cause (“MOSC”) (Doc. 4) ordering Plaintiff to show good cause why his Complaint should not be dismissed for the reasons set forth in the MOSC. Plaintiff was also given an opportunity to file a proper amended complaint to cure the deficiencies. Plaintiff filed an Amended Complaint, and the Court entered a second Memorandum and Order and Order to Show Cause (Doc. 8) (“MOSC 2”), granting Plaintiff until April 24, 2020, in which show good cause why his Amended Complaint should not be dismissed for the reasons set forth in the MOSC 2.

The MOSC 2 provides that “[i]f Plaintiff does not respond within the prescribed time, this matter may be dismissed without further notice.” (Doc. 8, at 14.) The MOSC 2 was mailed to Plaintiff at his current address of record, and was returned as undeliverable. (Doc. 9.) The Court’s Local Rules provide that “[e]ach attorney or pro se party must notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of

an attorney or pro se party is sufficient notice.” D. Kan. Rule 5.1(c)(3). Plaintiff has failed to provide the Court with a Notice of Change of Address, and has failed to show good cause why his Amended Complaint should not be dismissed for the reasons set forth in the MOSC 2.

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

IT IS SO ORDERED.

Dated April 27, 2020, in Topeka, Kansas.

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