

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

**WALTER TYRONE BELL,**

**Plaintiff,**

v.

**CASE NO. 19-3065-SAC**

**RENEE YOUNG, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

This matter is a civil rights action filed under 42 U.S.C. § 1983. Mr. Bell proceeds *pro se* and *in forma pauperis*. Plaintiff alleges his constitutional right “of being innocent until proven guilty” was violated by the judge in a state prosecution. Plaintiff seeks unspecified relief.

On July 3, 2019, the Court entered a Memorandum and Order to Show Cause (ECF No. 5)(“MOSC”) ordering Plaintiff to show cause by August 5, 2019, why this matter should not be dismissed due to the deficiencies set forth. The MOSC stated that if Plaintiff failed within the time allotted to file a response, this action could be dismissed without further notice. Plaintiff has not responded to the MOSC.

As explained in the MOSC, Mr. Bell’s complaint is subject to dismissal because he cannot pursue a claim under §1983 against either defendant. Defendant Young, as Saline County District Judge, enjoys absolute immunity from liability under § 1983. *Stein v. Disciplinary Bd. of Supreme Court of New Mexico*, 520 F.3d 1183, 1189 (10<sup>th</sup> Cir. 2008). The State of Kansas is not a “person”

that Congress made amenable to suit for damages under § 1983. *Howlett v. Rose*, 496 U.S. 356, 365 (1990); *see also Will v. Mich. Dep't of State Police*, 491 U.S. 58, 64, 71 (1989).

For this reason, Plaintiff's complaint is dismissed.

**IT IS THEREFORE ORDERED** that this action is dismissed without prejudice.

**IT IS SO ORDERED.**

DATED: This 16<sup>th</sup> day of August, 2019, at Topeka, Kansas.

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