

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

SEAN CHRISTOPHER DALE,

Plaintiff,

v.

CASE NO. 20-3149-SAC

**KEVIN FRIEND,
Linn County Sheriff,**

Defendant.

ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff complains about the conditions of his confinement at the Linn County Jail (SCJ) in Mound City, Kansas. Plaintiff alleges his constitutional rights were violated when he was not given his prescribed medications or prescribed medical shoes for some period of time after he arrived at the LCJ. He also complains he was made to sleep on the floor, was charged \$10.00 per prescription, was not allowed to see a doctor for a physical, and was denied a face mask. Plaintiff further alleges that the LCJ does not have a law library, contains a large amount of black mold, and does not have posted or available Prison Rape Elimination Act (PREA) access.

On January 29, 2021, the Court entered an order to show cause (OSC) (ECF No. 6) directing Plaintiff to show cause by February 26, 2021, why this matter should not be dismissed due to the deficiencies set forth. The OSC stated that if Plaintiff failed within the time allotted to file a response, this action could be dismissed without further notice. Plaintiff has not filed a response as of the date of this Order.

Consequently, for the reasons explained in the OSC, Plaintiff's complaint is dismissed under 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted.

IT IS THEREFORE ORDERED that this action is dismissed for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED.

DATED: This 29th day of March, 2021, at Topeka, Kansas.

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