

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

**CHARLEY JAMES HUGHES, JR.,**

**Plaintiff,**

**v.**

**CASE NO. 20-3301-SAC**

**JOSEPH PENNEY, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiff brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is incarcerated at the Hutchinson Correctional Facility in Hutchinson, Kansas. The Court granted Plaintiff leave to proceed *in forma pauperis*. On January 12, 2021, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 5) (“MOSC”) granting Plaintiff until February 5, 2021, to show good cause why his Complaint should not be dismissed for the reasons set forth in the MOSC. The MOSC provided that “[f]ailure to respond within the allowed time may result in dismissal of this action without further notice for failure to state a claim.” (Doc. 5, at 5.) Plaintiff has failed to respond by the Court’s deadline.

The Court found in the MOSC that Plaintiff’s claims are frivolous. Plaintiff alleges that his incarceration is illegal because his conviction violated his “Sovereign Rights” and he “did not volunteer to become a state person yet they compelled [him] to slavery.” Plaintiff provides no factual or legal support for this frivolous claim. Plaintiff also names the state court judge and the assistant district attorney as the only defendants. Plaintiff’s claim against the county prosecutor fails on the ground of prosecutorial immunity, and his claim against the state court judge fails on the ground of judicial immunity.

Plaintiff has failed to respond to the Court's MOSC and has failed to show good cause why his Complaint should not be dismissed for failure to state a claim.

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

**IT IS SO ORDERED.**

**Dated February 10, 2021, in Topeka, Kansas.**

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