

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

**KIEFLAN KELLEY,**

**Plaintiff,**

**v.**

**CITY OF ATCHISON, KANSAS, et al.,**

**Defendants.**

**Case No. 2:21-CV-02123-JAR-TJJ**

**ORDER**

Plaintiff Keiflan Kelley filed this action *pro se* and *in forma pauperis*, alleging civil rights and tort claims against Defendants the City of Atchison, Kansas; Atchison Police Chief Mike Wilson; Atchison Police Officers Travis Eichelberger, Greg Peterson, Kyle Mason, Jesse Cannon, Jordan Noll, Austin Surrit, and Whitney Wagner; Atchison Mayor Abby Bartlett; Atchison Vice Mayor Allen Reavis; and purported Atchison City Council Members Jesse Greenly, Lisa Moody, J. David Ferris, Becky Berger, and Justin Pregont. Plaintiff's claims stem from two encounters with Atchison Police Officers on July 28 and 29, 2020. In a June 22, 2021 Memorandum and Order, the Court denied without prejudice Defendants' motion to dismiss for lack of personal jurisdiction and insufficient service of process and granted Plaintiff an additional period of time to effect service.<sup>1</sup>

Despite this Court providing Plaintiff with additional time to submit sufficient information to the Marshals Service for service of process, Plaintiff failed to include several Defendants in his July 21, 2021 notice and summons. In a November 4, 2021 Memorandum and Order, the Court granted a motion to dismiss filed by Defendants the City, Berger, Cannon,

---

<sup>1</sup> Doc. 14.

Mason, Noll, Pregont, Surrit, and Wagner for failure to serve under Fed. R. Civ. P. 12(b)(5), and because Plaintiff had not demonstrated good cause for his failure to serve under Rule 4(m).

These Defendants were not included in the July 21, 2021 notice and summons.

Upon review of the docket and the July 21, 2021 notice and summons, the Court finds that Plaintiff also failed to effect service on Defendant Jesse Greenly. As the Court noted when dismissing the other Defendants that were not served, the Court's June 22, 2021 Order provided Plaintiff with notice that if he failed to timely file the notice required by that Order or to effect service within the extension of time permitted, his claims could be dismissed. Plaintiff has not responded or otherwise shown good cause for his failure to serve Greenly. Accordingly, the Court dismisses Greenly without prejudice for failure to serve under Fed. R. Civ. P. 12(b)(5).

**IT IS THEREFORE ORDERED BY THE COURT** that Defendant Jesse Greenly is hereby dismissed without prejudice for failure to serve under Fed. R. Civ. P. 12(b)(5).

**IT IS SO ORDERED.**

Dated: January 5, 2022

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE