

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

DARRELL P. LAWSON,

Plaintiff,

v.

STATE OF KANSAS, et al.

Defendants.

Case No. 21-CV-2480-JAR-JPO

MEMORANDUM AND ORDER

On October 20, 2021, Plaintiff Darrell Lawson filed a Complaint. He also filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”) (Doc. 3). U.S. Magistrate Judge James P. O’Hara issued an order on October 25, 2021, explaining that information was missing from Plaintiff’s form financial affidavit submitted in support of his IFP application preventing the Court from making an informed decision.¹ This order gave Plaintiff until November 5, 2021 to submit updated financial information, and it was mailed to him by regular and certified mail.

On November 30, 2021, Judge O’Hara recommended that the Court dismiss the action without prejudice because Plaintiff did not respond to the earlier order requiring an updated financial affidavit.² On December 6, 2021, Plaintiff objected to the Report and Recommendation. In Plaintiff’s objection, he noted some confusion about the November 30 order and why he was required to respond by November 5, 2021 to an order he received on December 1. Judge O’Hara’s November 30 order was referencing the deadline set forth in the October 25 order. However, it is unclear to the Court whether Plaintiff received the October 25

¹ Doc. 8.

² Doc. 11 (Report and Recommendation).

order requiring Plaintiff to submit updated financial information. As noted above, this order was delivered by regular and certified mail. The certified mail, however, did not reach its destination because the last information received by the Court was that the mail was “in transit,” and there is no certified mail return receipt.

Because Plaintiff may not have received the order requiring him to submit additional financial information, the Court cannot adopt the November 30, 2021 Report and Recommendation. With this Order, the Court will resend the October 25, 2021 order that explains to Plaintiff what information is missing from his financial affidavit. Plaintiff must respond within 21 days of this Order with updated financial information so the Court can make an informed decision on Plaintiff’s motion to proceed IFP.

IT IS THEREFORE ORDERED BY THE COURT that the Report and Recommendation (Doc. 11) filed on November 30, 2021 is **not adopted**. Plaintiff is ordered to file a supplemental financial affidavit by January 24. The supplemental affidavit should include the information contained in the attached October 25, 2021 order, as well as any other information that may be relevant to the Court’s determination of whether to allow Plaintiff to proceed in forma pauperis. Should Plaintiff fail to respond, he will be required to pay the filing fee or his Complaint will be dismissed.

IT IS SO ORDERED.

Dated: January 3, 2022

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