

**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. Because of the confusion of whether Plaintiff received the Order of October 25, 2021, the Court re-sent this Order and directed Plaintiff to file updated financial information so

¹ Doc. 8.

² Doc. 11 (Report and Recommendation).

the Court could make an informed decision on Plaintiff's motion to proceed IFP (Doc. 13). The Court gave Plaintiff until January 24, 2022, to file the supplemental information and stated that should Plaintiff fail to respond, he would be required to pay the filing fee, or his Complaint would be dismissed.

Plaintiff filed an updated financial affidavit on January 18, 2022. However, Plaintiff still failed to follow the Court's order in disclosing all pertinent financial information. Thus, Plaintiff's Motion for Leave to Proceed in Forma Pauperis is denied. Plaintiff is directed to submit the requisite filing fee by February 18, 2022. Should he fail to do so, his Complaint will be dismissed without prejudice.³

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Doc. 3) is **denied**. Plaintiff is directed to submit the \$402 filing fee to the Clerk of the Court by February 18, 2022. If Plaintiff fails to submit the filing fee by February 18, 2022, this action will be dismissed without prejudice and without further notice.

IT IS SO ORDERED.

Dated: January 21, 2022

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

³ See *Akers v. Flannigan*, No. 20-3225-HLT, 2020 WL 6742788, at *2 (D. Kan. Nov. 17, 2020) (stating that "because the deadline for Plaintiff to submit the filing fee has passed and no filing fee has been submitted, this action must be dismissed without prejudice for failure to pay the filing fee").