

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

**LAJUAN S.L. LOWERY, et al.,**

**Plaintiffs,**

**v.**

**CASE NO. 21-3107-SAC**

**STATE OF KANSAS, et al.,**

**Defendants.**

**MEMORANDUM AND ORDER**

Plaintiffs bring this *pro se* civil rights complaint under 42 U.S.C. § 1983. Plaintiffs are detained at the Leavenworth County Jail in Leavenworth, Kansas (“LCJ”).

On April 16, 2021, the Complaint was filed listing the following Plaintiffs: LaJuan S.L. Lowery; John Anthony Wallingford; Matthew G. Ozment; Vondell L. Simmons; Dustin Robinson; Charles Ross; Ramaun Johnson; James H. Hill; Zara F. Watts, III; Don McAlister; Major Blango; John E. Mitchell; Kyle R. Klofstad; Preston M. Stotler; Brandon Sublett; and Arthur Marks. On April 26, 2021, a Supplement (Doc. 3) was filed adding the following Plaintiffs: David M. Payne; David A. Thomas, Jr.; Ryan VanDuisen; Marquis B. Holmes; William Cody Henshaw; Robert W. Meyer; Jesse A. Phillips; Phillip Pemberton; and Terrell Clark.

On May 11, 2021, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 13) (“MOSC”) granting Plaintiffs until June 8, 2021, in which to show good cause why Plaintiffs’ Complaint should not be dismissed for the reasons stated in the MOSC. The Court also set deadlines for Plaintiffs to seek leave to proceed *in forma pauperis* and to submit initial partial filing fees.

The Court found in the MOSC that Plaintiff Preston M. Stotler filed a motion for leave to proceed *in forma pauperis* but failed to include the required financial information. *See* 28 U.S.C. § 1915(a)(2) (“A prisoner seeking to bring a civil action . . . without prepayment of fees . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . .”). The Court issued a Notice of Deficiency regarding Plaintiff Stotler’s motion and he was granted until May 27, 2021 to supply the missing financial information. (Doc. 9). The MOSC provided that “[f]ailure to submit the financial information by that date will result in dismissal of these Plaintiffs without prejudice and without further notice pursuant to Rule 41(b).” Plaintiff has failed to submit the financial information by the Court’s deadline. Therefore, Plaintiff Stotler’s motion for leave to proceed *in forma pauperis* (Doc. 8) is denied and he is dismissed from this action.

The Court also granted all of the remaining Plaintiffs until May 27, 2021, in which to submit a proper motion for leave to proceed *in forma pauperis*. The MOSC provides that “[a]ny Plaintiff failing to submit a proper motion, including the required six-month account statement, by that date will be dismissed from this action without further notice under Fed. R. Civ. P. 41(b).” The following Plaintiffs failed to comply with the Court’s deadline as set forth in the MOSC: John Anthony Wallingford; Matthew G. Ozment; Vondell L. Simmons; Dustin Robinson; Charles Ross; Ramaun Johnson; James H. Hill; Zara F. Watts, III; Major Blango; John E. Mitchell; Kyle R. Klofstad; Brandon Sublett; Arthur Marks; David A. Thomas, Jr.; Ryan VanDuisen; William Cody Henshaw; and Terrell Clark. These Plaintiffs are dismissed for failure to comply with the Court’s order as set forth in the MOSC.

**IT IS THEREFORE ORDERED BY THE COURT** that the following Plaintiffs are dismissed from this action: John Anthony Wallingford; Matthew G. Ozment; Vondell L. Simmons;

Dustin Robinson; Charles Ross; Ramaun Johnson; James H. Hill; Zara F. Watts, III; Major Blango; John E. Mitchell; Kyle R. Klofstad; Preston M. Stotler; Brandon Sublett; Arthur Marks; David A. Thomas, Jr.; Ryan VanDuisen; William Cody Henshaw; and Terrell Clark.

**IT IS FURTHER ORDERED** that Plaintiff Stotler's motion for leave to proceed *in forma pauperis* (Doc. 8) is **denied**.

**IT IS SO ORDERED.**

**Dated June 2, 2021, in Topeka, Kansas.**

**S/ Sam A. Crow**  
**SAM A. CROW**  
**SENIOR U. S. DISTRICT JUDGE**