

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

MARCUS SHAMILLYON JACKSON,

Plaintiff,

v.

CASE NO. 21-3151-SAC

CITY OF SHAWNEE, KANSAS, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this *pro se* civil rights complaint under 42 U.S.C. § 1983. At the time of filing, Plaintiff was housed at the Leavenworth Detention Center in Leavenworth, Kansas. The Court granted Plaintiff leave to proceed *in forma pauperis*. On August 4, 2021, the Court entered a Memorandum and Order to Show Cause (Doc. 5) (“MOSC”) granting Plaintiff until September 7, 2021, in which to show good cause why his Complaint should not be dismissed for the reasons set forth in the MOSC or to file an amended complaint to cure the deficiencies. Plaintiff has failed to respond by the Court’s deadline.

The Court set forth Plaintiff’s allegations and claims in detail in the MOSC. The Court found that Plaintiff’s Complaint was subject to dismissal for failure to state a claim based on multiple deficiencies, including: Plaintiff’s claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994); Plaintiff fails to allege specific facts showing a city policy or custom which deprived him of his constitutional rights; Plaintiff failed to allege facts showing that his constitutional rights have been violated because of a county policy or custom; Plaintiff failed to adequately allege sufficient personal involvement by various defendants; and Plaintiff’s claims of retaliation include only conclusory allegations and fail to allege specific facts showing retaliation. The Court found that based on these deficiencies, “this action is subject to dismissal in its entirety for failure to state

a claim upon which relief can be granted.” (Doc. 5, at 15.)

The Court’s MOSC provided that “[t]he failure to file a timely response or amended complaint may result in the dismissal of this matter without prior notice to Plaintiff.” (Doc. 5, at 1.) Plaintiff has failed to respond by the Court’s deadline and has failed to show good cause why this matter 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 September 10, 2021, in Topeka, Kansas.

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