

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ZACKORY PHILLIPS,

Plaintiff,

vs.

Case No. 22-3006-SAC

UNITED STATES OF AMERICA,
and WARDEN HUDSON OF
UNITED STATES PENITENTIARY
LEAVENWORTH, KANSAS,

Defendants.

MEMORANDUM AND ORDER

The plaintiff Zackory Phillips pro se brings a civil rights action pursuant to 28 U.S.C. § 1331 constitutionally challenging his pretrial detention in the prison setting of USP Leavenworth. ECF# 3. The court screened his complaint issuing an order that gave Phillips until March 30, 2022, to file a complete and proper amended complaint curing all deficiencies and to show good cause in writing why his complaint should not be dismissed for all the reasons and deficiencies state therein. ECF# 8. This order further warned that if the plaintiff does not file his good-cause response and/or his amended complaint within the prescribed time, the court would decide the matter based upon the current deficient complaint and dismiss the case without further notice. Id. at p. 9. The deadline has passed, and the plaintiff has filed nothing in response to this order.

Therefore, consistent with the warning in its prior order, the court adopts its findings and conclusions set out in its prior order as the reasons for now ruling that the plaintiff's complaint fails to state a claim for relief.

IT IS THEREFORE ORDERED that the plaintiff's complaint fails to state a claim for relief, and the case is dismissed with prejudice.

Dated this 31st day of March, 2022, Topeka, Kansas.

s/Sam A. Crow _____
Sam A. Crow, Senior U.S. District Judge