

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MATTHEW R. THOMAS,

Petitioner,

v.

CASE NO. 22-3055-SAC

(FNU) SKIDMORE,

Respondent.

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner's petition for writ of habeas corpus (Doc. 1) and motion for leave to proceed in forma pauperis (Doc. 2), both filed March 22, 2022, and Petitioner's motion to dismiss (Doc. 3), filed March 24, 2022. The Court has reviewed the motion to dismiss and finds dismissal is proper under Fed. R. Civ. P. 41(a). Pursuant to Fed. R. Civ. P. 41(a)(1)(B), this dismissal will operate as an adjudication on the merits because Petitioner has "previously dismissed [another] federal- or state-court action based on or including the same claim." *See Thomas v. Skidmore*, Case No. 22-3046-SAC.

**IT IS THEREFORE ORDERED** that Petitioner's motion to dismiss (Doc. 3) is **granted**.

**IT IS FURTHER ORDERED** that Petitioner's motion for leave to proceed in forma pauperis (Doc. 2), is **denied as moot**.

**IT IS FURTHER ORDERED** that this action is dismissed with prejudice under Fed. R. Civ. P. 41(a).

**IT IS SO ORDERED.**

DATED: This 28th day of March, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge