

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

SAMUEL ROMAN,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 23-1208-KHV
)	
JEFFREY MILLER and FRED CORLEY,)	
)	
)	
Defendants.)	
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MEMORANDUM AND ORDER

This matter is before the Court on the Motion To Dismiss By Defendants Miller And Corley (Doc. #14) filed January 10, 2024. Seven days after the deadline to respond, plaintiff filed a motion to extend the deadline for 90 days so that he could try to obtain counsel. Motion To Allow More Time To Respond (Doc. #17) filed February 7, 2024. On February 27, 2024, the Court overruled plaintiff’s motion for extension of time. See Text Entry Order (Doc. #19). In doing so, the Court ordered that if plaintiff wished to file a pro se response to defendants’ motion to dismiss, he must do so by 5:00 PM on March 7, 2024. See id. The Court also warned plaintiff that if he did not timely respond, the Court might summarily grant the motion to dismiss without further notice based on defendants’ arguments that (1) plaintiff’s claims are barred under Heck v. Humphrey, 512 U.S. 477 (1994), and (2) under Younger v. Harris, 401 U.S. 37 (1971), the Court must abstain from exercising jurisdiction over plaintiff’s claims. See Order (Doc. #19); see D. Kan. R. 7.1(c) (if plaintiff fails to timely respond to motion, Court will consider and decide motion as uncontested and ordinarily grant it without further notice). Plaintiff did not respond by the deadline. For this reason and for substantially the reasons stated in the Memorandum In Support

Of Motion To Dismiss By Defendants Miller And Corley (Doc. #15) filed January 10, 2024, the Court sustains defendants' motion. Specifically, the Court dismisses plaintiff's claims because (1) such claims are barred under Heck v. Humphrey, 512 U.S. 477 (1994) and (2) under Younger v. Harris, 401 U.S. 37 (1971), the Court must abstain from exercising jurisdiction over plaintiff's claims.

IT IS THEREFORE ORDERED that the Motion To Dismiss By Defendants Miller And Corley (Doc. #14) filed January 10, 2024 is **SUSTAINED**.

Dated this 14th day of March, 2024 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge