

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

JEFFREY L. MCLEMORE,

Plaintiff,

v.

CASE NO. 23-3217-JWL

(FNU) SNYDER, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is in custody at the Saline County Jail in Salina, Kansas (“SCJ”). The Court granted Plaintiff leave to proceed in forma pauperis. (Doc. 4.) The Court screened Plaintiff’s Amended Complaint (Doc. 6) and entered a Memorandum and Order to Show Cause (Doc. 8) (“MOSC”) advising Plaintiff that it may be prohibited from hearing Plaintiff’s claims regarding his state court proceedings under *Younger v. Harris*, 401 U.S. 37, 45 (1971). The Court found in the MOSC that Plaintiff’s claims relate to his state criminal proceedings in Saline County, Kansas. *See State v. McLemore*, Case No. 2022-CR-558, filed June 29, 2022 (District Court of Saline County, Kansas). On October 27, 2023, the Court entered a Memorandum and Order (Doc. 11) staying this case pending further order of the Court and directing Plaintiff to notify the Court as soon as his state criminal proceedings have concluded.

Plaintiff filed a response (Doc. 12) indicating that his state criminal proceedings in Case No. 2022-CR-558 concluded, with the case being dismissed around February 23, 2024. Plaintiff indicated that he would like to move forward with this case and would like to reinstate his request for injunctive relief and motion for leave to file a supplemental complaint.

On March 11, 2024, the Court entered a Memorandum and Order (Doc. 13) (“M&O”) lifting the stay and granting Plaintiff until April 8, 2024, in which to file a complete and proper second amended complaint to cure all the deficiencies discussed in the Court’s MOSC at Doc. 8. The M&O provides that “[i]f Plaintiff does not file an amended complaint within the prescribed time that cures all the deficiencies discussed herein, this matter will be decided based upon the current deficient Amended Complaint and may be dismissed without further notice.” (Doc. 13, at 3.) Plaintiff has failed to respond to the M&O and has failed to submit an amended complaint by the Court’s deadline.

IT IS THEREFORE ORDERED BY THE COURT that this matter is **dismissed without prejudice.**

IT IS SO ORDERED.

Dated April 16, 2024, in Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE