

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

KYLE M. THOMPSON,

Plaintiff,

v.

CASE NO. 24-3056-JWL

USP LEAVENWORTH,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Complaint (Doc. 1). The Complaint has been received but is deficient for the reasons below:

- (1) Plaintiff has not paid the fees for filing a civil action of \$405.00 and has not submitted a motion to proceed without prepayment of fees. *See* 28 U.S.C. § 1914. The case may not go forward until Plaintiff satisfies the statutory filing fee prerequisites in one of these two ways. Forms for filing a motion to proceed without prepayment of fees are enclosed.
- (2) The Complaint is not upon Court-approved forms. *See* D. Kan. Rule 9.1(a). Forms are enclosed, and Plaintiff must re-submit his Complaint upon these forms.
- (3) The Complaint requests compassionate release. However, such request is not properly filed in this Court. A motion for compassionate release must be filed in the sentencing court. *See* 18 U.S.C. § 3582(c)(1)(A). In Plaintiff's case, the sentencing court appears to be the United States District Court for Arizona. *See United States v. Thompson*, Case No. 18-cr-08162-DGC-1 (D. Ariz.).
- (4) The Complaint does not name a proper defendant. The defendants must be individual federal officials in their individual capacities; *Bivens* claims cannot be asserted directly

against either the United States or federal officials in their official capacities or against federal agencies. *Smith v. United States*, 561 F.3d 1090, 1093 (10th Cir. 2009).

Plaintiff is required to correct the foregoing deficiencies by the date set out below. Failure to comply within the prescribed time may result in dismissal without further notice for failure to comply with this Order.

IT IS THEREFORE BY THE COURT ORDERED that the plaintiff is granted until **May 20, 2024**, in which to correct the foregoing deficiencies or this action may be dismissed without prejudice and without further notice.

IT IS SO ORDERED.

Dated April 18, 2024, in Kansas City, Kansas.

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