

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

## **ORDER**

Plaintiff instituted this action on December 4, 2008, although he has not effected service of process on defendant United States of America. On December 22, 2008, the Magistrate Judge issued a Notice and Order to Show Cause (Doc. # 5), by which he ordered plaintiff to show cause why the case should not be dismissed based on plaintiff's failure to allege any facts to establish a basis for federal subject matter jurisdiction. On February 3, 2009, after reviewing plaintiff's response to the show cause order, this court concluded that plaintiff had not properly alleged a basis for federal court jurisdiction (Doc. # 8). In light of plaintiff's citation to various constitutional provisions in his response, however, the court granted plaintiff leave until **February 17, 2009**, in which to file an amended complaint stating a proper basis for jurisdiction. The court further stated that if plaintiff failed to file such a complaint by that date, the case would be dismissed.

Plaintiff's deadline has now passed, and plaintiff has not filed an amended complaint. Accordingly, this action is hereby dismissed, without prejudice, for lack of federal subject matter jurisdiction.

IT IS THEREFORE ORDERED BY THE COURT THAT this action is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated this 20th day of February, 2009, in Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge