

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

**TIMOTHY W. SPIDEL,**

**Plaintiff,**

**v.**

**KEVIN HAYS, et al.,**

**Defendants.**

**Case No. 14-3160**

**ORDER TO SHOW CAUSE**

Currently pending are defendant Lacey Halton's Motion to Dismiss (Doc. 31) and defendant Dan Rhabe's Motion for Summary Judgment (Doc. 36). Plaintiff has failed to timely respond to either of these motions. Local Rule 7.4(b) provides that a party or attorney who does not timely file a response brief waives the right to later file such a brief and that the court will decide such motions as unopposed and usually grant them without further notice. D. Kan. Rule 7.4(b).

Plaintiff is therefore directed to show cause, in writing, on or before July 5, 2017, why the above listed motions should not be granted as unopposed. Additionally, by July 5, 2017, plaintiff shall file any responses to defendants' motions that plaintiff wishes the court to consider. If plaintiff fails to respond to this order, or to file responses as directed, the court will consider defendants' motions (Doc. 31 and 36) as unopposed as described in D. Kan. Rule 7.4(b).

The Court also notes that Kevin Hayes has not been served. The court already ordered production of his last known address (Doc. 23), but that resulting waiver of service of summons returned unexecuted. The Court has done all it can in an effort to locate and serve defendant Hays on plaintiff's behalf. As plaintiff is no longer incarcerated, the court no longer has an obligation under 28 U.S.C. 1915(d) to locate defendant Hayes. Plaintiff shall therefore show good cause why defendant

Hayes should not be dismissed for failure to serve him under Fed. R. Civ. P. 4(m), also by July 5, 2017.

Dated June 20, 2017, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**