IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ANTHONY T. JACKSON,

Plaintiff,

v.

AMANDA KING, et al.,

Defendants.

Case No. 15-3183-DDC-DJW

NOTICE AND ORDER TO SHOW CAUSE

TO THE PLAINTIFF:

Plaintiff filed this action *pro se* on July 13, 2015, alleging civil rights violations based on defendants Amanda King and Kevin Edwards's purported failure to provide him proper psychiatric care during his incarceration at the El Dorado Correctional Facility in El Dorado, Kansas. On December 18, 2017, defendants filed a Motion for Summary Judgment under Federal Rule of Civil Procedure 56. Doc. 35. Under D. Kan. Rules 6.1(d)(2) and 7.1(c), plaintiff was required to respond to defendants' motion within 21 days, or by January 8, 2018.

On January 2, 2018, defendants' counsel informed Magistrate Judge James P. O'Hara that the Kansas Department of Corrections was unable to serve plaintiff with defendants' summary judgment motion because of plaintiff's current medical situation. Judge O'Hara thus extended plaintiff's deadline for responding to defendants' summary judgment motion, ordering plaintiff to file his response within 21 days of his discharge from his current medical situation. Doc. 43.

On January 11, 2018, plaintiff filed a Motion for Extension of Time. Doc. 41. Judge O'Hara granted plaintiff's motion in part, ordering plaintiff to file any response to defendants'

pending summary judgment motion by February 6, 2018. The extended deadline for plaintiff to respond has long-passed, and plaintiff has failed to file any response to defendants' summary judgment motion.

Under D. Kan. Rule 7.4(b), a party "who fails to file a responsive brief or memorandum within the time specified in D. Kan. Rule 6.1(d) waives the right to later file such brief or memorandum" unless there is a showing of excusable neglect. This rule also provides "[i]f a responsive brief or memorandum is not filed within the D. Kan. Rule 6.1(d) time requirements, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice." D. Kan. Rule 7.4(b).

Because plaintiff has failed to respond to defendants' Motion for Summary Judgment, the court directs plaintiff to show cause, in writing, **on or before May 7, 2018**, why it should not consider and rule on defendants' motion as an uncontested one under D. Kan. Rule 7.4(b). If plaintiff intends to file a response to defendants' motion, he must file it **on or before May 7, 2018**.

IT IS SO ORDERED.

Dated this 5th day of April, 2018, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge