

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

**TYRONE MURPHY,**

**Plaintiff,**

**v.**

**STATE OF KANSAS, et al.,**

**Defendants.**

**Case No. 16-3134-SAC-DJW**

**ORDER TO SHOW CAUSE**

On December 14, 2016, the Court entered an order construing Plaintiff's Amended Complaint as a habeas claim—as opposed to a claim under 42 U.S.C. § 1983—because Plaintiff's Amended Complaint requests his release from imprisonment. (Doc. 11.) Therefore, the Court ordered Plaintiff to file a Second Amended Complaint that used the proper form habeas complaint (which it sent along with a copy of the Court's order) on or before January 6, 2017. Plaintiff did not file a Second Amended Complaint, and he did not request additional time in which to do so.

**IT IS THEREFORE ORDERED BY THE COURT** that on or before March 1, 2017, Plaintiff shall show cause, in writing, to Judge Crow why this case should not be dismissed for lack of prosecution, as Plaintiff has not filed his Second Amended Complaint, which was due on January 6, 2017. His Second Amended Complaint is also due on or before March 1, 2017. Failure to respond may result in the dismissal of Plaintiff's case without further notice.

**IT IS SO ORDERED.**

Dated February 8, 2017, at Kansas City, Kansas.

s/ David J. Waxse  
David J. Waxse  
U.S. Magistrate Judge