

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

JONATHON L. MANGOLD,

Plaintiff,

v.

CASE NO. 17-3182-SAC

STATE OF KANSAS, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff originally filed this case *pro se* in the Marion County District Court. Defendants State of Kansas and Marion County removed the action to this Court under 28 U.S.C. §§ 1441 and 1446. The events giving rise to Plaintiff's Complaint appear to have taken place during his detention at the Marion County Jail in Marion, Kansas ("MCJ").

The Court screened Plaintiff's Complaint, and on December 8, 2017, the Court entered a Memorandum Order and Order to Show Cause ("MOSC") (Doc. 8), giving Plaintiff until January 5, 2018, to either show cause why his case should not be dismissed for the reasons set forth in the MOSC or to file a proper amended complaint. In the MOSC, the Court found that: this action is subject to dismissal against defendant State of Kansas because this defendant is not a "person" amenable to suit under § 1983 and it is immune from suit under the Eleventh Amendment; this action is subject to dismissal as against Marion County because Plaintiff has not alleged the requisite causative custom or policy; because Plaintiff is no longer detained at the MCJ, his requests for injunctive relief are moot; and Plaintiff's request for compensatory damages is barred by 42 U.S.C. § 1997e(e), because Plaintiff has failed to allege a physical injury.

The Court's MOSC required Plaintiff to show good cause why his Complaint should not be dismissed for the reasons stated therein. Plaintiff was also given the opportunity to file a complete and proper Amended Complaint upon court-approved forms that cures all the deficiencies discussed therein. The MOSC provides that "[i]f Plaintiff does not file an Amended Complaint within the prescribed time that cures all the deficiencies discussed herein, this matter will be decided based upon the current deficient Complaint." Plaintiff has failed to address the deficiencies and has failed to file an Amended Complaint. The Court finds that this case should be dismissed due to the deficiencies set forth in the MOSC.

IT IS THEREFORE ORDERED BY THE COURT that this action is **dismissed** for failure to state a claim.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 10th day of January, 2018.

S/ Sam A. Crow
Sam A. Crow
U.S. Senior District Judge