



Ricks v. Kelly et al

2024 | Cited 0 times | D. Kansas | April 12, 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

JOHN ALLEN RICKS,

Plaintiff, v. CASE NO. 24-3042-JWL

LAURA KELLY, et al.,

Defendants.

MEMORANDUM AND ORDER

TO SHOW CAUSE Plaintiff John Allen Ricks is hereby required to show good cause, in writing to the undersigned Complaint that are discussed herein.

I. Nature of the Matter before the Court Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is in custody at the Downtown Detention Center in Denver, Colorado. Plaintiff has been granted leave to proceed in forma pauperis. (Doc. 3.) defendants are involved in a Kansas statewide government judicial conspiracy which violates their oaths or affirmations supremacy clause by not reporting this fraudulent crime to higher authorities. . . . All parties are knowingly allowing the lower district state courts et al. to operate in an unconstitutional jurisdiction. Id. at in and not one is criminal they are civil with criminal penalties. Equity Admiralty Common

Id. Plaintiff states that he of dollars off of court convictio Id. at 7. Plaintiff indicates that he has brought similar challenges in four other states. Id. at 6. Id. at 7.

Plaintiff names as defendants Laura Kelly, Governor of Kansas, and Kris Kobach, Kansas Attorney General. Plaintiff seeks relief in the form of \$80 million, criminal charges against the defendants, and impeachment of all courtroom officers. Id. II. Statutory Screening of Prisoner Complaints The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or an employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff has raised claims that are legally frivolous or malicious, that fail to state a claim upon which relief may be granted, or that seek monetary relief from a



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defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1) (2).

the Constitution and laws of the United States, and must show that the alleged deprivation was

committed by a person acting under color of state law *West v. Atkins*, 487 U.S. 42, 48 (1988) (citations omitted); *Northington v. Jackson*, 973 F.2d 1518, 1523 (10th Cir. 1992). A court *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). In addition, the court accepts

all well-pleaded allegations in the complaint as true. *Anderson v. Blake*, 469 F.3d 910, 913 (10th e, could not raise *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 558 (2007).

insufficient to state a claim *Hall v. Bellmon*, 935 F.2d 1106,

ents of a

Twombly Id. at 555, 570.

complaint must explain what each defendant did to [the pro se plaintiff]; when the defendant did

and, what specific legal right the plaintiff *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 complaint o *Whitney v. New Mexico*, 113 F.3d

1170, 1173-74 (10th Cir. 1997) (citation omitted).

Twombly and *Erickson* gave rise to a new standard of review for § 1915(e)(2)(B)(ii) dismissals. See *Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007) (citations omitted); see also *Smith v. United States*, *Kay*, 500 F.3d at

Smith a complaint: if they are so general that they encompass a wide swath of conduct, much of it *Robbins v. Oklahoma*, 519 F.3d 1242, 1247 (10th Cir. 2008) (citing *Twombly*, 127 S.

Ct. at 1974). III. DISCUSSION The Complaint is subject to dismissal for at least two reasons. First, it does not appear that Plaintiff has standing to bring this case. To show that he has standing, the plaintiff must demonstrate that he has suffered an actual injury to a legally protected interest, that there is a causal connection between the injury and the complained of conduct, and that it is likely the injury would be redressed by a favorable decision. *Schaffer v. Clinton*, 240 F.3d 878, 882 (10th Cir. 2001) (quoting *United States v. Hays*, 515 U.S. 737, 742 43 (1995)). Plaintiff fails to allege that he has suffered an actual injury to a legally protected interest, let alone an injury resulting from conduct of the named defendants. He is apparently confined in Colorado and does not allege that he was ever convicted of a crime in Kansas. Therefore, it is not likely that any injury he may have suffered would be redressed by a favorable decision in this Court. if he is arguing that federal courts are not courts of



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general criminal jurisdiction. *United States v. English*, 658 F. Supp. 3d 991, 994 (D. Colo. 2023). However, that does not mean that the federal courts lack the authority to adjudicate and punish crimes, only that such authority emanates solely from the Constitution, federal statute, or treaty. See, e.g., *United States v. Hudson*, 11 U.S. (7 Cranch) 32, 34, 3 L.Ed. 259 (1812). The Tenth Circuit explained as follows:

The district court's criminal jurisdiction is based on 18 U.S.C. § 3231, which courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of ited States apply to all persons *United States v. James*, 328 F.3d 953, 954 (7th Cir. 2003). We jurisdictional criminal law. *United States v. Tony*, 637 F.3d 1153, 1158 (10th Cir. 2011) (quotations omitted). *United States v. Burton*, 856 F. App'x 173, 175 (10th Cir. 2021). The Complaint is subject to dismissal as frivolous. on an

Schlicher v. Thomas, 111 F.3d 777, 779 (10th Cir. 1997) (quotation marks omitted). Plaintiff is given an opportunity to show cause why his legal theory is not indisputably meritless. IV. Response Required Plaintiff is required to show good cause why his Complaint should not be dismissed for the reasons stated herein. Failure to respond by the deadline may result in dismissal of this matter without further notice.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff is granted until May 12, 2024, in which to show good cause, in writing to the undersigned should not be dismissed for the reasons stated herein.

IT IS SO ORDERED. Dated April 12, 2024, in Kansas City, Kansas.

S/ John W. Lungstrum JOHN W. LUNGSTRUM UNITED STATES DISTRICT JUDGE

