

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

YUVONNE M. PENDELTON,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 04-2206-KHV
UNIVERSITY OF KANSAS MEDICAL CENTER,)	
)	
Defendant.)	
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ORDER

Yuvonne M. Pendelton brings suit against the University of Kansas Medical Center (“KUMC”), alleging that it discriminated against her on the bases of race and age, in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e et seq., and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 et seq. This matter comes before the Court on defendant’s Motion To Dismiss (Doc. #19) filed May 13, 2005, in which defendant seeks dismissal of plaintiff’s age discrimination claim. For reasons set forth in defendant’s brief, the Court finds that defendant’s motion should be sustained. Plaintiff’s Response To Defendant’s Motion To Dismiss (Doc. #23) filed June 1, 2005, concedes that under Kimel v. Florida Board of Regents, 528 U.S. 62 (2000), the Eleventh Amendment precludes her age discrimination claim.

IT IS THEREFORE ORDERED that defendant's Motion To Dismiss (Doc. #19) filed May 13, 2005 be and hereby is **SUSTAINED**.

Dated this 5th day of July, 2005 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge