

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

<b>AZIZALLAH DELKHAH,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 04-2543-KHV</b>
<b>ALLENE MOORE and KDHD,</b>	)	
	)	
<b>Defendants.</b>	)	
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**ORDER**

Azizallah Delkhah filed suit against the Kansas Division of Housing Development and Allene Moore, one of its compliance managers, alleging that they discriminated against him in public housing because of his national origin and retaliated against him in violation of 42 U.S.C. § 1983 and the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* On May 15, 2006, the Court sustained defendants' motion for summary judgment. See Memorandum And Order (Doc. #114). This matter is before the Court on plaintiff's Motion For Sanction Against Defendants And Defendants' Counsel For Intentional Destruction Of Evidence And Refusal To Comply With Preceedural [sic] And Ethical Rules (Doc. #105) filed May 8, 2006. On May 22, 2006, defendants filed a response. Plaintiff has not filed a reply. For substantially the reasons stated in Defendants' Response To Plaintiff's Motion For Sanctions (Doc. #117) filed May 22, 2006, the Court overrules plaintiff's motion for sanctions. In addition, any slight change in the version of the HUD Occupancy Handbook in 2003 is not material to the Court's rulings on defendants' motion for summary judgment. See Memorandum And Order (Doc. #114).<sup>1</sup>

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<sup>1</sup> The Court cited the revised HUD Occupancy Handbook in the statement of facts, but did  
(continued...)

**IT IS THEREFORE ORDERED** that plaintiff's Motion For Sanction Against Defendants And Defendants' Counsel For Intentional Destruction Of Evidence And Refusal To Comply With Precedural [sic] And Ethical Rules (Doc. #105) filed May 8, 2006 be and hereby is **OVERRULED**.

Dated this 20th day of June, 2006 at Kansas City, Kansas.

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

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<sup>1</sup>(...continued)  
not refer to the handbook in its analysis of defendants' motion. See id. at 5.