

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

<b>RUBY BYRD,</b>	)		
	)	<b>Plaintiff,</b>	
	)		
<b>vs.</b>	)		<b>Case No. 05-2020-JAR</b>
	)		
<b>SAM'S WEST, INC.,</b>	)		
	)	<b>Defendant.</b>	
_____	)		

**ORDER**

On May 31, 2007, Magistrate Judge James P. O'Hara filed his Report and Recommendations (Doc. 56), recommending that this Court grant defendant's Motion for Sanctions (Doc.34) and dismiss this case with prejudice, because of plaintiff's failure to participate in and comply with discovery in this case. Ten days have passed, and plaintiff has not filed a written objection to the proposed findings and recommendations of Judge O'Hara.<sup>1</sup> After a de novo determination upon the record pursuant to Fed. R. Civ. P. Rule 72(b), the Court accepts the recommended decision and adopts it as its own.

**IT IS THEREFORE ORDERED THAT THIS CASE IS DISMISSED WITH  
PREJUDICE.**

Dated this 10<sup>th</sup> day of August, 2007.

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<sup>1</sup>The Court notes that the Report and Recommendations were mailed to plaintiff by regular and certified mail, to plaintiff's address of record in Salina, Kansas. Plaintiff had last received certified mail at that address on May 9, 2007. Yet, on June 27, 2007, the Certified Mail Receipt was returned as unclaimed. Plaintiff has neglected to provide the court with any other address, more basis for dismissing this case with prejudice, for failure to prosecute this action.

S/ Julie A. Robinson  
Julie A. Robinson  
United States District Judge