

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

<b>JAMES J. LANGE,</b>	)	
	)	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	)	
	)	<b>No. 05-2151-KHV</b>
<b>v.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	
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**ORDER**

This matter is before the Court on defendant's Motion To Dismiss (Doc. #2) filed June 15, 2005. Pursuant to D. Kan. Rules 7.1(c) and 6.1(d)(2), plaintiff had until July 8, 2005 to file a response to defendant's motion. Pursuant to D. Kan. Rule 7.4, "[i]f a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice." Because plaintiff has failed to either comply with Rule 7.1(c) or seek an extension of the deadline to respond under Rule 6.1(a), the Court finds that defendant's motion should be sustained as uncontested pursuant to Rule 7.4. In addition, the Court finds that defendant's motion should be sustained on the merits for substantially the reasons set forth in defendant's Brief In Support Of Motion To Dismiss (Doc. #3) filed June 15, 2005.

**IT IS THEREFORE ORDERED** that defendant's Motion To Dismiss (Doc. #2) filed June 15, 2005 be and hereby is **SUSTAINED**. The Court dismisses this case for lack of subject matter jurisdiction.

Dated this 4th day of August, 2005 at Kansas City, Kansas.

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