

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

<b>PHYLLIS MARIE STROZIER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 05-2406-KHV</b>
<b>O'DONNELL &amp; SONS CONSTRUCTION CO.</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER OF DISMISSAL**

This matter comes before the Court on plaintiff's Motion To Dismiss (Doc. #13) filed December 7, 2005. Plaintiff filed her complaint on September 22, 2005, and defendant has not been served or filed an answer.

**IT IS THEREFORE ORDERED** that plaintiff's Motion To Dismiss (Doc. #13) filed December 7, 2005 be and hereby is **SUSTAINED**. Plaintiff's claims are **dismissed without prejudice** pursuant to Rule 41(a)(1)(i).

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

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